

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

SUPPLEMENTAL REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2017-027.1

DATE: October 10, 2017

COMPLAINANT: S.D.S.O.

INVESTIGATOR: Sergeant Amber Baggs

INVESTIGATIVE FOLLOW-UP

Upon completion of my investigation, I continued to periodically monitor [REDACTED] primary Facebook account to learn of new postings which might be relevant to the investigation. I monitored her account from September 11, 2017, through September 25, 2017, using my department issued IPAD. When I discovered a posting that referenced Deputy Juan Andrade, I took a screenshot and saved the photo to my gallery. Each screenshot I took was date and time stamped on the IPAD.

On September 11, 2017, I took two screenshots of [REDACTED] Facebook timeline that spoke negatively about the Rancho San Diego Sheriff's Station (RSDS), which is where Andrade was assigned.

On September 18, 2017, I took three screenshots of [REDACTED] Facebook timeline that basically claimed law enforcement was corrupt.

On September 19, 2017, I took six screenshots of [REDACTED] Facebook timeline that spoke negatively about the RSDS and specifically mentioned Andrade's name. It said the following:

**"THEN THIS DEPUTY ANDRADE SEXUALLY ASSAULTED ME
FONDLED ME ON MARCH 11TH 2017 AND HE IS STILL FREE TO THIS
DAY"**

The postings on [REDACTED] timeline continued and said:

"HE FORCED ME TO TOUCH HIS PENIS"

**"HE LIED TO ME TRICKED ME TO THINK HES GOING TO HELP ME
WITH SOME FOOD AND CLOTHES"**

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On September 21, 2017, I took nine screenshots of [REDACTED] Facebook timeline that spoke negatively about law enforcement, the RSDS, and specifically mentioned Andrade's name. It said the following:

"HEY DEPUTY ANDRADE RAPIST SHERIFF IN SAN DIEGO COUNTY
BURN IN HELL YA GARBAGE FACE"

On September 25, 2017, I took three screenshots of [REDACTED] Facebook timeline that again spoke negatively about law enforcement and the Sheriff's Department.

On September 27, 2017, Lieutenant Christina Bavencoff contacted Sheriff's Communications Co-Coordinator Jessica O'Leary, via e-mail, and requested an audit of Andrade's eSun (CLETS) for March 11, 2017. Lieutenant Bavencoff received the results from the audit on September 29, 2017, and learned Andrade had not conducted a record's check on [REDACTED] the day of the incident.

On October 10, 2017, Lieutenant Bavencoff ran a local records check for [REDACTED]. Since 1999, [REDACTED] has pled guilty to one felony conviction for 496(A) PC- Possession of Stolen Property. She also pled guilty to a number of misdemeanor crimes to include: two counts of 11377(A) PC-17B4- Possession of a Controlled Substance, 484 PC- Petty Theft, 11550(A) H&S- Under the Influence of a Controlled Substance, and 11364.1 H&S/11364 H&S-Possession of Drug paraphernalia.

I compiled the Facebook screenshots I took from [REDACTED] account and placed them on a compact disc. The disc will be attached to this report.

This completed my follow-up investigation related to this matter.

Submitted by: ABaff 10/10/17
Amber Bagley, Sergeant Date

Approved by: [Signature] 10/11/17
Christina Bavencoff, Lieutenant Date

AMB:amb

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FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

August 8, 2017

TO: M. Marco Garmo, Captain
Rancho San Diego (S159)

FROM: Christina Bavencoff, Lieutenant
Internal Affairs Unit (O41)

INTERNAL AFFAIRS CASE # 2017-027.1

Please review this investigation and check where appropriate. When all action is completed, please return directly to the Internal Affairs Unit. DO NOT FORWARD THROUGH THE CHAIN OF COMMAND. This will be done by the Internal Affairs Unit. If you have any questions, please call (858) 974-2065.

☐ I concur with the Internal Affairs conclusions. No further formal action is recommended.

☒ I concur with the Internal Affairs conclusions. Discipline recommendation attached.

☐ I disagree with the Internal Affairs findings. See attached report.

☐ A procedural change is being written and an approved copy will be sent to Internal Affairs.

Signed



Date

11.15.17

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

Internal Affairs

CASE NUMBER: 2017-027.1

ACCUSED EMPLOYEE: Deputy Juan Andrade #3055

COMPLAINANT: SDSD

INVESTIGATOR: Sergeant Amber Baggs #2720

TABLE OF CONTENTS

- A. Complaint Form and Attachments
- B. Synopsis, Analysis, Conclusions, and Findings by Sergeant Amber Baggs
- C. Witness List and Investigation by Sergeant Amber Baggs
- D. Detective Follow-Up Reports by Det. Carpenter and Kluge
- E. Arrest Report (Case #17112848) by Deputy Juan Andrade
- F. CAD Query from March 11, 2017 for Deputy Andrade
- G. Automated Vehicle Locator (AVL) info from March 11, 2017
- H. Photographs of Spring Valley Storefront
- I. Screenshots of [REDACTED] cell phone and Facebook Account
- J. Drawing of Inside the SV Storefront by [REDACTED]
- K. Copy of Page from Andrade's Deputy Notebook
- L. Photo Line-Up Admonishment/Deputy Andrade Photo
- M. Map of Area signed by [REDACTED] Depicting Route Driven
- N. E-Mail Communication Between Andrade and Yescas

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- O. Arrest Report by Deputy Andrade from 11/22/15 (CN#15160620)
- P. CD Containing Interviews by Det. Carpenter and Kluge
- Q. CD Containing AVL from March 11, 2017
- R. CD Containing [REDACTED] Cell Phone Download
- S. CD of Photos Taken by Detective Carpenter
- T. CD of Radio Traffic from March 11, 2017



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San Diego County Sheriff's Department
Post Office Box 939062
San Diego, California 92193-9062



William D. Gore, Sheriff

206-027.1

COMPLAINT FORM

PLEASE PRINT OR TYPE

COMPLAINANT'S NAME SDSO		DATE OF BIRTH	HOME PHONE
COMPLAINANT'S ADDRESS		CITY	ZIP CODE
LOCATION OF INCIDENT		DATE AND TIME OF INCIDENT	
behind Spring Valley storefront		03-19-2017	
NAME(S) OF SHERIFF'S PERSONNEL Deputy Juan Andrade #3055			
BRIEF NARRATIVE OF COMPLAINT It is alleged Deputy Andrade inappropriately touched a victim of an alleged assault. He also made inappropriate comments to her.			
CONTINUED ON ADDITIONAL SHEETS <input type="checkbox"/>			
1. DO YOU BELIEVE YOU WERE STOPPED, ARRESTED, SEARCHED, OR DETAINED BY LAW ENFORCEMENT DUE, AT LEAST IN PART, TO RACIAL OR IDENTITY PROFILING (E.G. BECAUSE OF YOUR RACE, COLOR, NATIONALITY, NATIONAL ORIGIN, GENDER, AGE, RELIGION, GENDER EXPRESSION, SEXUAL ORIENTATION, MENTAL OR PHYSICAL DISABILITY)? <input type="checkbox"/> Yes <input type="checkbox"/> No			
2. IF YES, PLEASE EXPLAIN WHAT SPECIFIC PROFILING YOU BELIEVE OCCURRED AND THE BASIS FOR YOUR BELIEF:			
148.6 P.C. ADVISORY STATEMENT: YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIANS COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS. IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.			
I have read and understand the above statement.			
SIGNATURE OF COMPLAINANT:		DATE:	
INTERNAL AFFAIRS USE ONLY			
EMPLOYEE RECEIVING COMPLAINT: Internal Affairs		DATE & TIME:	
RECEIVED IN I.A. BY:		Received in Sheriff's Internal Affairs	
<input type="checkbox"/> IN PERSON		MAR 20 2017	
<input type="checkbox"/> U.S. MAIL		I.A. CASE #	
<input type="checkbox"/> MESSENGER MAIL		2017-027.1	
<input checked="" type="checkbox"/> OTHER: Email		NATURE OF COMPLAINT: Conduct Unbecoming	
		ASSIGN TO: IA - Sgt. Baggs (RSD Station)	

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GENERAL INFORMATION

Name: Andrade, Juan
Title: DEP SHERIFF
SDSD User ID: JANDRASH
PeopleSoft ID: 048712
ARJIS Number: SH3055
Desk Phone: (619) 660-7090
Cell Phone: [REDACTED]
Pager No.:
Home Phone*:
Confidential Phone*:
Other:
Radio Unit:
Sheriff's Email: Juan.Andrade@sdsheriff.org
Other Email:
Responsibility:



* Home Phone number and Confidential phone number are viewable just by you and Comm Center Supervisors

CURRENT WORK LOCATION

Dept. Name:
Rancho San Diego Station
Mail Stop:
S159
Location:
Rancho San Diego Station
Address:
11486 Campo Rd
Spring Valley, CA 91978
Telephone:
[\(619\) 660-7090](tel:(619)660-7090)
Fax:

HR (PeopleSoft) ASSIGNED LOCATION

Dept. Name:
[Rancho San Diego Station](#)
Mail Stop:
S159
Location:
Rancho SD Sheriff Station
Address:
11486 Campo Rd
Spring Valley CA 919782221
Telephone:
[619/660-7090](tel:619660-7090)

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FROM THE OFFICE OF

INTERNAL AFFAIRS - CONFIDENTIAL

March 27, 2017

IA CASE#: 2017-027.1

TO: Dave Moss, Commander

**RE: Deputy Juan Andrade #3055
Rancho San Diego Station (S159)**

The attached complaint has been assigned to Sergeant Amber Baggs of the Internal Affairs Unit for investigation. You will be informed of the results upon completion of the investigation.

Should you wish to be briefed at any time, please feel free to call me at (858) 974-2065.

Thank you,



Jeffrey S. Duckworth, Lieutenant
Internal Affairs Unit

JSD:mpa

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS UNIT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2017-027.1

DATE: August 8, 2017

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant A. Baggs

SYNOPSIS, ANALYSIS, CONCLUSIONS, AND FINDINGS

SYNOPSIS

It is alleged that on March 11, 2017, while on duty and in uniform, Deputy Juan Andrade had repeated inappropriate verbal and physical contact with a [REDACTED], the alleged victim of an assault.

ANALYSIS AND CONCLUSIONS

As to the allegation, Deputy Andrade inappropriately told [REDACTED] he wanted to take her into the bushes and inappropriately touched [REDACTED] during his contact with her.

It was disputed whether Andrade spoke to or touched [REDACTED] inappropriately.

On March 11, 2017, at about 1240 hours, Deputy Juan Andrade and two other deputies responded to a radio call at a transient encampment in the 10400 block of Jamacha Boulevard in Spring Valley. The call resulted in the arrest of [REDACTED] for a felony warrant. However, the original call for service was for an alleged assault where [REDACTED] was the victim.

Andrade contacted [REDACTED] during the investigation and spoke with her privately while they were standing by his patrol car. [REDACTED] alleged Andrade told her that he wanted to take [REDACTED] into the bushes and make out with her. Andrade denied making this comment and claimed he was only asking [REDACTED] questions relevant to the investigation.

A few hours after [REDACTED] had the interaction with Andrade, she wrote and posted the following on her Facebook page: "Met a police officer who wanted to take me into the bushes." [REDACTED] Facebook post did not appear contrived, but rather corroborated and added credibility to her allegation.

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██████████
Met a police officer who wanted to take me into the bushes...

○ ○ ○

Andrade admitted he obtained ██████████ name, date of birth, and telephone number and wrote the information in his deputy's notebook. Andrade did not, however, enter ██████████ information as a "witness or other" in his Arrest Report when ██████████ was arrested for the warrant.

██████████ further alleged Andrade called her several times throughout the afternoon. She stated Andrade shared personal information with her about his marriage and made sexually suggestive comments to her. ██████████ cell phone call log indicates she received seven calls from a private number that day. ██████████ was able to recall each phone call between her and Andrade and provided detailed information regarding the content and context of each call. The times of the calls and the length of the calls coincide with her account of the events involving Andrade. It appears Andrade spoke with ██████████ for a combined 12 minutes during a 30 minute time period. In contrast, Andrade claimed he could not remember the details of his phone conversations with ██████████. Andrade admitted to calling ██████████ several times that afternoon, but only initially remembered her talking about her children. When asked directly if Andrade talked with ██████████ about his personal information, such as being married or having marital problems, Andrade initially responded, "I don't remember." He then paused for 10 seconds before saying ██████████ did ask him about being married. Andrade was not forthcoming in the details of his telephone conversations with ██████████ and only provided information with direct prodding questions.

██████████ alleged Andrade referred to his penis as a "golden rod" during one of the phone conversations. Another occupant of the transient encampment, ██████████, was with ██████████ during this phone conversation. During the original sexual assault investigation, Detective Carpenter and Detective Kluge conducted an audio recorded interview with ██████████ regarding what he heard during ██████████ phone call. ██████████ held her phone away from her ear so ██████████ could hear the conversation. ██████████ said he heard a male subject telling ██████████ he had a "golden rod" and said he wanted to pick her up. A short time later, Andrade drove to ██████████ encampment and picked her up. Although it was not confirmed Andrade was the person on the phone referencing his penis being a "golden rod" and expressing his desire to pick up ██████████, it is likely the male on the phone was Andrade since he did in fact pick her up a short time later.

At about 1633 hours, Andrade picked up ██████████ from the transient encampment and drove her to the rear of the Casa De Oro Sheriff's Storefront for the purpose of finding her some clothing. This fact is not in dispute. Based on statements from ██████████ and Andrade, it is

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confirmed there was some type of physical contact between them when they were at the rear of the storefront; however, their statements regarding the details of their contact are contradictory.

██████████ alleged Andrade approached her when they were outside of the patrol car and started kissing and touching her, fondling her breasts and vaginal area. Andrade denied this and described ██████████ as being the aggressor, saying she hugged and kissed him. Andrade claims he had to push ██████████ away from him, but could not remember where, on her body, he pushed her. When asked if it was possible he pushed her in the chest area, Andrade admitted it was possible. Andrade left ██████████ at the rear of the storefront and went to an emergency fire call.

When asked if Andrade thought ██████████ kissing him was inappropriate and offensive, Andrade responded, "Yes ma'am." Although Andrade had these feelings, he chose to call ██████████ again to inquire if she found some clothing. Additionally, Andrade thought ██████████ might be hungry so he offered his breakfast leftovers to her. Knowing ██████████ had a history of using illegal drugs and was possibly under the influence of methamphetamine, Andrade still allowed ██████████ into the private storefront through the back door. This demonstrated Andrade's poor judgement and decision making especially after, according to Andrade, ██████████ had already kissed him. Andrade allowed ██████████ to wash her hands, as he heated up the leftovers for her. Andrade said he never addressed the kiss with ██████████ and allowed her into the storefront because he did not think she would try and kiss him again. Andrade created a more private and isolated environment with ██████████ who he claimed kissed him and made him feel "gross and disgusted."

While inside the storefront, ██████████ alleged Andrade kissed and touched her in a sexual manner again. Andrade denied that he kissed or touched ██████████ and again said she kissed and hugged him. He said he pushed her away, they left the storefront and had no further contact.

The burden of proof for an administrative case is "*preponderance of the evidence*" which is defined as "*such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth.*" In weighing the preliminary facts of this case, it is evident there was inappropriate touching (hugging and kisses at least) between ██████████ and Andrade. Andrade's description of how he felt during the kissing incident is inconsistent with his behavior following the kiss. Andrade did not address the situation with ██████████, he did not notify his supervisor of the incident, or cease contact with her. Rather he reached out to ██████████ by calling her again and created an opportunity for more alone time with her.

Andrade's actions brought discredit to himself and the Sheriff's Department. When asked if his actions reflected positively on the Department, Andrade responded, "No ma'am." In sum, Andrade failed to take the appropriate action by not reporting the incident to his supervisor, and instead created more private time between the two of them. Andrade's actions or lack of actions failed to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Andrade potentially exposed the Department to liability. Even if Andrade was not the aggressor, Andrade demonstrated extremely poor judgement when he purposely placed himself in a situation where he could be accused of wrongdoing.

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The following Sheriff's Department Policy and Procedure would be applicable to the allegation above:

2.4 UNBECOMING CONDUCT

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on this Department. Unbecoming conduct shall include that which tends to bring this Department into disrepute or reflects discredit upon the employee as a member of this Department, or that which tends to impair the operation and efficiency of this Department or employee.

As well as the following:

2.30 FAILURE TO MEET STANDARDS

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor.

As to the allegation Deputy Andrade was dispatched to an emergency fire call, and drove [REDACTED] Code-3 inside his patrol vehicle, thus delaying his response to an emergency fire call:

It is undisputed that Andrade drove Code-3 with [REDACTED] inside his patrol vehicle. Andrade admitted he was driving with [REDACTED] inside his patrol vehicle when he was dispatched to a fire call. Rather than letting [REDACTED] out of the vehicle and responding immediately to the fire call, he activated his emergency lights and siren and drove [REDACTED] Code-3, reaching speeds of 69 miles per hour. Andrade admitted he made a poor choice saying, "I know I screwed up..." He said he told [REDACTED] that he was going to have to let her out, but she "refused." Rather than addressing [REDACTED], he chose to put her in danger and expose the Department to potential liability.

It is also undisputed Andrade was delayed responding to the emergency fire call. Andrade admits he drove to the rear of the storefront to drop off [REDACTED], instead of driving directly to the call. Andrade diverted from the fastest and most direct route to the emergency call. By Andrade taking the detour behind the storefront, it caused him to arrive almost one minute after the first unit arrived. The information obtained from AVL confirmed Andrade had a delayed response to the fire call.

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Andrade failed to properly perform his duties as a first responder patrol deputy. Andrade was the closest deputy dispatched to the fire assist and should have been first on scene. Andrade failed to properly perform his duties as a deputy sheriff by driving Code-3 with [REDACTED] inside his patrol vehicle which makes this violation more egregious. Driving Code-3 is inherently dangerous and Andrade did not ensure the safety of his passenger.

Andrade's unnecessary actions failed to maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Andrade failed to maintain our Department's highest standards, but instead exposed the Department to potential liability based on his actions.

The following Sheriff's Department Policy and Procedure would be applicable to the allegation above:

2.30 FAILURE TO MEET STANDARDS

Employees shall properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will tend to establish and maintain the highest standards of efficiency in carrying out the mission, functions, and objectives of this Department. Failure to meet standards may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; absence without leave; unauthorized absence from the assignment during a tour of duty; the failure to submit complete and accurate reports on a timely basis when required or when directed by a supervisor.

As to the allegation, Deputy Andrade transported [REDACTED] in his patrol car without notifying the Communications Center:

It is undisputed that Andrade transported [REDACTED] inside his patrol car on March 11, 2017, at about 1637 hours, without making the required notifications to the Sheriff's Communication Center per Sheriff's Policy and Procedure. Andrade said he drove [REDACTED] from the area near the homeless encampment to the Casa De Oro Storefront with the intention of taking her to get clothing. Andrade admitted he did not make the proper notifications, nor did he create a call on his MDC for the "courtesy transport." Andrade said he thought the radio was "busy" at the time, but after reviewing the dispatch recordings, it was shown there was a 21 second gap with no transmissions.

The following Sheriff's Department Policy and Procedure would be applicable to the allegation above:

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2.3 VIOLATION OF RULES

Employees shall not commit or omit any facts which constitute a violation of any of the rules, regulations, directives, orders or policies of this Department, whether stated in these Rules of Conduct or elsewhere. Employees shall be responsible for their own acts, and they shall not shift to other the burden, or responsibility, for executing or failing to execute a lawful order or duty.

As it relates to 6.12- TRANSPORTING PRISONERS OF THE OPPOSITE SEX

Which states in part, "Prior to transporting any prisoner or patient of the opposite sex, the transporting personnel shall notify the Communications Center, by radio, of the destination, point of departure, and beginning mileage. Upon arrival at the destination, the transporting personnel will advise the Communications dispatcher of their arrival, as well as their ending mileage. Each time mileage is provided the dispatcher will document the mileage in the CAD event and broadcast the time. All of this data will be recorded by the Communications dispatcher and by the transporting personnel for future reference.

As to the allegation, Deputy Andrade drove [REDACTED] in his patrol car without ensuring she was wearing a safety belt:

It is undisputed that Andrade drove with [REDACTED] inside his patrol car without ensuring she was wearing a safety belt on March 11, 2017, at about 1637 hours. Andrade admitted [REDACTED] sat in the rear passenger seat of his patrol car. He also admitted to failing to ensure she was wearing a safety belt.

The following Sheriff's Department Policy and Procedure would be applicable to the allegation above:

2.3 VIOLATION OF RULES

Employees shall not commit or omit any facts which constitute a violation of any of the rules, regulations, directives, orders or policies of this Department, whether stated in these Rules of Conduct or elsewhere. Employees shall be responsible for their own acts, and they shall not shift to other the burden, or responsibility, for executing or failing to execute a lawful order or duty.

As it relates to 5.5- SAFETY BELT PROCEDURE

The driver of any county vehicle shall use and ensure all passengers use the available safety belt/shoulder harness restraint equipment installed in the vehicle before moving that vehicle.

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It is alleged Deputy Andrade was untruthful during this investigation by failing to answer questions to the fullest extent of his knowledge.

I conducted two interviews with Andrade during the course of my investigation. During both interviews, Andrade was accompanied by legal representation. The first interview with Andrade occurred on May 9, 2017. After reviewing the audio recorded interview with Andrade, I determined an additional interview was needed to further clarify the details involving his contact with [REDACTED]. I conducted the second interview with Andrade on May 31, 2017, and determined Andrade had not been truthful during his first interview. Below are some specific variations between the first and second interviews.

- 1st Interview: Andrade said [REDACTED] kissed him when they were behind Little Caesar's by the storage shed. Andrade described the incident as "weird" because nothing like that had happened to him before. Andrade said, "She was standing in front of me and I was standing behind her trying to get back into the car and she just turned around and kissed me."
- 2nd Interview: Andrade explained the details of the kiss in more detail and added that [REDACTED] actually hugged him during this encounter. Andrade said, "...She hugged me, kissed me and I can't remember exactly what I did or what I said..." Andrade described the hug as lasting "way less than a minute." Andrade described feeling "gross and disgusted." Andrade said there was no time gap between the hug and kiss. Andrade disclosed that [REDACTED] kissed Andrade on the lips for a couple seconds with an open mouth. This information was omitted during the first interview. When asked additional information about the kiss, Andrade's reasoning for not remembering details was because he had been trying to "block" the memory for the past few months. After additional questioning, Andrade said, "I remember her trying to open her mouth and me trying to push her away." Andrade said [REDACTED] had her hands on him during the kiss, but Andrade could not remember where her hands actually were.
- 1st Interview: When Andrade was asked why he did not tell his supervisor about [REDACTED] kissing him, Andrade gave three different explanations. Andrade's first response was because they were "still busy," referring to there being a large number of radio calls. Andrade's second explanation was that he was "trying to figure out what was going on or what had happened." Andrade's final reason for not reporting the incident was because he did not think [REDACTED] kissing him was anything that "serious." Additionally, Andrade said he did not mention it to any of his partners because he was "embarrassed."
- 2nd Interview: When asked again why he did not report the incident to his supervisor, Andrade said he thought it was just "one of those weird things" that just happen.
- 1st Interview: Andrade said [REDACTED] only kissed him one time which was behind Little Caesar's and claimed there was no additional kissing. Andrade stated when they were later inside the storefront, however, [REDACTED] "tried" to kiss Andrade again. Andrade

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said [REDACTED] grabbed him from behind and tried to turn him around to either hug or kiss him. Andrade prevented [REDACTED] from kissing or hugging him by grabbing the left-over food and walking out of the storefront with [REDACTED]. When asked directly, "At any other time was there a kiss between you and [REDACTED]?" Andrade responded, "No."

- 2nd Interview: Andrade initially said that in the storefront [REDACTED] grabbed Andrade by his right arm to try and spin him around. Andrade said [REDACTED] actually spun him around to face her. When asked, "Okay so physically she was able to turn you around?" Andrade responded, "Yes." After additional questioning, he stated he was the one who turned around to physically face [REDACTED] after she grabbed his arm. [REDACTED] did not physically turn Andrade around to face her, rather Andrade turned on his own to face [REDACTED]. Andrade initially was dishonest when he said [REDACTED] grabbed him and was able to turn him around so they were face-to-face. As they faced one another, Andrade said [REDACTED] "tried to kiss" him again. After additional questioning, I learned there was another kiss between Andrade and [REDACTED] while inside the storefront. Andrade said, "She tried to kiss me on the lips and I can't, she probably like scraped them and that was it." I asked Andrade, "... So did her lips touch your lips?" Andrade responded, "Yes." Andrade said, "Her lips touched my lips and I pushed her away." It was evident Andrade was trying to minimize the incident and omit relevant information. The touching of two lips is a kiss. When asked how long their lips touched, Andrade said, "Not that long. Like just instant. Enough to push her away." Andrade changed his story from his initial statement, and also changed his story several times during the second interview.

The following Sheriff's Department Policy and Procedure would be applicable to the allegation above:

2.46 TRUTHFULNESS

When asked by the Sheriff, the Sheriff's designee or any supervisor, employees will always answer questions, whether orally or in writing, truthfully and to the fullest extent of their knowledge. All written and verbal reports shall be truthful and complete.

The burden of proof for an administrative case is "preponderance of the evidence" which is defined as "such evidence, when weighed with that opposed to it, has more convincing force and the greater probability of truth." Andrade was interviewed two times. His statement as it related to incriminating information, changed in the second interview. Andrade initially said there was only one kiss by [REDACTED] and during a second interview admitted there was another kiss that occurred inside the storefront. If Andrade truly felt "gross and disgusted" by [REDACTED] kiss, he would have addressed her actions. He would not have allowed her entry into the back door of the storefront creating a second and more private situation for the two of them. Each time Andrade explained what occurred, he remembered more details. Furthermore, his actions or lack of actions were not consistent with his statements of what occurred.

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██████████ appeared truthful in her statements and only reported this incident after being "bullied" by her friends to report it. ██████████ has had 22 documented contacts with deputies since 2008, and this is the first complaint ██████████ has generated. ██████████ shared her story with three companions, Detective Carpenter and me. ██████████ statement has maintained consistent throughout. ██████████ phone log, her Facebook post, and Andrade's AVL log corroborated a majority of ██████████ statement.

When interviewing any Sheriff's employee during an administrative investigation, whether as an accused or a witness interview, every employee is provided with the Rules of Conduct prior to conducting the interview. The Rules of Conduct are 2.15-Insubordination, 2.38- Intervention, 2.41 Departmental Reports, and 2.46- Truthfulness. This is done to remind the interviewee of the importance of the truthful nature of their statement. Each interviewee is expected to provide complete information that represents the "fullest extent of their knowledge." They are ordered to disclose information, regardless of the uncomfortable nature of the question. It wasn't that Andrade just failed to provide complete information, but he clearly and unequivocally answered questions in an untruthful manner changing his story during his second interview.

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FINDINGS

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.4- **Conduct Unbecoming**, in that Andrade received an open-mouthed kiss from [REDACTED] and Andrade failed to report the incident to his supervisor. Andrade allowed [REDACTED] access into the private storefront where there was additional physical contact between Andrade and [REDACTED]

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.30- **Failure to Meet Standards**, in that Andrade claims [REDACTED] kissed him and touched him without his permission, yet Andrade failed to take proper defensive actions to prevent the incident from occurring.

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.30- **Failure to Meet Standards**, in that Andrade failed to properly perform his duties as a deputy sheriff by unnecessarily driving Code-3 with [REDACTED] inside his patrol vehicle and delaying his response to an emergency fire call.

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.3- **Violation of Rules**, as it relates to Section 6.12- **Transporting Prisoners of the Opposite Sex**, in that Andrade did not notify Sheriff's dispatch he was transporting [REDACTED] in his patrol vehicle.

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.3- **Violation of Rules**, as it relates to Section 5.5- **Safety Belt Procedure**, in that Andrade did not ensure [REDACTED] was wearing a safety belt when he transported her inside his patrol vehicle and drove Code-3.

This complaint against Deputy Juan Andrade is **SUSTAINED** for Section 2.46- **Truthfulness**, in that Andrade did not answer questions to the fullest extent of his knowledge and omitted the second kiss that occurred inside the private storefront.

Submitted by: ABaggs 8/8/17
Amber Baggs, Sergeant Date

Approved by: [Signature] 8/8/17
Christina Bayuncoff, Lieutenant Date

AMB:amb

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WITNESS LIST

Case # 2017-027.1

NAME	ADDRESS	TELEPHONE
[REDACTED] Complainant	[REDACTED] [REDACTED]	[REDACTED]
Eric Mitchell #0102 Witness	11486 Campo Road Spring Valley, CA 91978	(619) 660-7090
Michael Alcarion #0151 Witness	11486 Campo Road Spring Valley, CA 91978	(619) 660-7090

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SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

INVESTIGATION REPORT

CONFIDENTIAL

INTERNAL AFFAIRS CASE NUMBER: 2017-027.1

DATE: August 8, 2017

COMPLAINANT: S.D.S.D.

INVESTIGATOR: Sergeant A. Baggs

INVESTIGATION

On March 27, 2017, Lieutenant Christina Bavencoff assigned this complaint to me for investigation. I reviewed the complaint form and accompanying documents as part of the investigation. All of the interviews in this investigation were recorded and will be maintained with the Internal Affairs file. The following are synopses of those interviews. For exact and complete details of the interviews, refer to the digital recordings.

This complaint was department originated. The date and time of the incident was March 11, 2017, between 1239 and 1800 hours. The complaint reads as follows:

It is alleged Deputy Andrade inappropriately touched a victim of an alleged assault. He also made inappropriate comments to her.

Detective Carpenter from the Sexual Assault Crimes Unit originally received this case as a criminal investigation. During the investigation, it was determined no criminal act occurred and the incident was consensual according to the reporting party, [REDACTED]. Detective Carpenter conducted interviews, which were audio recorded, gathered evidence, searched for surveillance video, and completed a Detective Follow-Up Investigative Report documenting the above. Detective Carpenter provided me the following:

- Detective Follow-Up Investigative Report by Detective Carpenter
- Detective Follow-Up Investigative Report by Detective Kluge
- Arrest Report (Case # 17112848) by Deputy Juan Andrade
- CD containing photos of the Casa De Oro Storefront
- Drawing of inside the Casa De Oro Storefront made by [REDACTED]
- CD containing audio recordings of [REDACTED] (Complainant), [REDACTED] (Witness), [REDACTED] (Witness), [REDACTED] (Witness), and [REDACTED] (Witness)
- Screenshots of [REDACTED] cell phone showing incoming calls from a "private number"
- CAD Query printouts for E4013235 and E4013595

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- CAD Unit History and AVL History for Deputy Andrade, 60P3A from March 11, 2017

I read both Detective Carpenter and Kluge's reports, listened to the audio recordings, and reviewed the additional documents. I learned the following:

On March 11, 2017, at about 0630 hours, Deputy Juan Andrade logged on as 60P3A and worked patrol in the unincorporated Spring Valley area. At about 1242 hours, Andrade and several other deputies were dispatched to a radio call (CAD E4013235) reference an alleged battery at a transient encampment near 10400 Jamacha Boulevard in Spring Valley. Andrade arrived on scene at about 1246 hours. The reporting party, [REDACTED], called 911 to report being physically assaulted by a man named [REDACTED]. [REDACTED] reported [REDACTED] spilled creek water on her and spit on her. [REDACTED] and [REDACTED] were both transients who lived in tents in the area of [REDACTED] near [REDACTED]. A record's check revealed [REDACTED] had a felony warrant. Andrade arrested [REDACTED] and placed him in the back of a patrol vehicle. Andrade stated he only spoke to [REDACTED] by his patrol car to confirm she did not want a report taken reference the alleged assault. He obtained [REDACTED] cellular phone number in case he later needed to conduct follow-up with her.

[REDACTED] stated he saw Andrade interacting with [REDACTED], while he was seated in the patrol car. [REDACTED] could not hear what Andrade and [REDACTED] were discussing, but stated [REDACTED] was smiling and blushing while Andrade was speaking to her. [REDACTED] believes Andrade was flirting with [REDACTED], based on [REDACTED] reaction to him.

According to [REDACTED], Andrade obtained her cell phone number and her mailing address, which is her grandmother's residence. [REDACTED] claimed Andrade told her that he would take her into the bushes and make out with her if his partners were not there and told her she was attractive. She further claimed Andrade talked about his marriage of six years and told her he received no affection from his wife.

Later that same afternoon on Saturday March 11, [REDACTED] received seven phone calls from a "Private Number," which she alleges was Andrade calling her. The time and duration of those incoming calls were as follows:

3:46 PM- duration of 5 minutes and 44 seconds
4:10 PM- duration of 6 minutes and 6 seconds
4:24 PM- duration of 29 seconds
4:33 PM- duration of 10 seconds
5:08 PM- missed call
5:12 PM- missed call
5:13 PM- duration of 26 seconds

During the above phone calls, [REDACTED] alleges Andrade talked about wanting to make out with her and touch her. Andrade talked about being unhappy in his marriage and referred to his penis as a "golden cock." [REDACTED] said her friend [REDACTED] overheard some of these phone conversations.

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Detectives Carpenter and Kluge interviewed [REDACTED] and during his recorded statement, [REDACTED] admits he was present when [REDACTED] was talking to a male on the phone. [REDACTED] overheard the male on the phone say something about having a "golden rod" and that he wanted to pick [REDACTED] up. [REDACTED] told [REDACTED] the male on the phone was the short deputy named "Andrade." He heard [REDACTED] agree to meet with Andrade. [REDACTED] did not see [REDACTED] get picked up, but said she was gone from the campsite for a lengthy time. When [REDACTED] returned to the campsite, she told [REDACTED] about Andrade picking her up and driving really fast.

[REDACTED] told Detectives Carpenter and Kluge she willingly got into Andrade's patrol car. She sat in the rear passenger seat on the right side and described Andrade's patrol vehicle as being a "Crown Victoria" and not the Ford Explorer. While driving [REDACTED] in his patrol car, Andrade was dispatched to a fire call. Andrade drove Code-3 with his lights and siren activated while [REDACTED] was still in the patrol car. [REDACTED] recalled driving on Jamacha Boulevard and then turning onto Sweetwater Springs Boulevard. They passed by the Chevron gas station and Monte Vista High School. Andrade dropped [REDACTED] off in the alley behind the Casa De Oro Storefront located at 9736 Campo Road in Spring Valley. (Andrade drove approximately 2.7 miles with [REDACTED] in his patrol car with most of the distance being driven Code-3.)

According to [REDACTED], Andrade told her there were some clothes for her inside a cabinet behind the storefront. When they arrived at the storefront, Andrade opened the car door for her and they stood near the rear left fender. Andrade started kissing [REDACTED] on her mouth with his tongue. Andrade touched [REDACTED] breast and vagina over her clothing and said his penis was hers. Andrade said he had to go to the fire call, but would return when he was done to give [REDACTED] something to eat.

[REDACTED] saw [REDACTED], the owner of a neighboring business named Fruity Loco, drive into the alley while Andrade was kissing and touching her. She believes [REDACTED] saw the incident when Andrade was kissing her. After Andrade left for the fire call, [REDACTED] approached [REDACTED] and she told him what Andrade had done. [REDACTED] knew [REDACTED] because she occasionally worked in his store and she had been to his house. Detective Carpenter interviewed [REDACTED] via telephone, however [REDACTED] denied seeing anything happen between Andrade and [REDACTED] in the alley.

Andrade was gone for 10 to 20 minutes and then returned to the storefront. According to [REDACTED], Andrade let her into the storefront with him and heated up some leftover breakfast food that was in a Styrofoam container. After she ate the food, Andrade started kissing her on the mouth and neck. Andrade reached under her shirt and touched her bare breast with his hand. She explained this was skin-to-skin touching and was consensual; however admitted she felt weird and uncomfortable about the situation because she thought they might get caught by someone in the storefront. She further stated, Andrade placed her hand on his erect penis, over his clothing. In addition, he used his hand to rub [REDACTED] vagina over her clothing. No other deputies were at the storefront during the time they were both there. [REDACTED] felt wrong about the situation because Andrade was married and they were inside a Sheriff's facility. Andrade told her he had

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to end his shift and they both left the building. Andrade has not contacted [REDACTED] since that day.

Upon reviewing the Follow-Up Investigations and audio recording by Detectives Carpenter and Kluge, I learned [REDACTED] told three people about the incident between her and Andrade. Detectives Carpenter and Kluge interviewed all three witnesses. Their statements were consistent with one another and with the statement provided by [REDACTED]

- [REDACTED] (lived in same transient camp as [REDACTED])
- [REDACTED] (lived in same transient camp as [REDACTED])
- [REDACTED] (friend of [REDACTED])

During the recorded interview with Detectives Carpenter and Kluge, [REDACTED] essentially told the detectives the following regarding the contact between Andrade and [REDACTED]: [REDACTED] was arrested for a warrant and was seated in the back seat of a patrol car. [REDACTED] saw Andrade talking with [REDACTED] and believed the two of them were flirting because they were smiling and [REDACTED] began to blush. [REDACTED] does not like Andrade or [REDACTED]. When [REDACTED] was released from jail on March 17, 2017, [REDACTED] told [REDACTED] that Andrade had picked [REDACTED] up from the campsite and dropped her off at the substation while he went to a fire call. Andrade later returned to the substation and gave [REDACTED] some food, which was inside the substation. While inside the substation, Andrade touched [REDACTED] breasts and vagina over her clothing, and [REDACTED] touched Andrade's penis over his clothing.

During the recorded interview with Detectives Carpenter and Kluge, [REDACTED] essentially told the detectives the following regarding the contact between Andrade and [REDACTED]: [REDACTED] overheard a phone conversation between [REDACTED] and a male subject. [REDACTED] told [REDACTED] the male on the phone was Andrade. [REDACTED] did not recall all of the conversation, but heard the male subject saying he had a "golden rod" and said he wanted to come pick up [REDACTED]. About 20-30 minutes after the phone conversation, [REDACTED] left the campsite and was gone for a lengthy time. When [REDACTED] returned to the campsite, she told [REDACTED] how she drove fast in the patrol car with Andrade and how he had his lights and siren on. Andrade dropped [REDACTED] off at the storefront and then returned to the storefront about 20 minutes later. [REDACTED] and Andrade both went inside the storefront. While inside the storefront, Andrade kissed [REDACTED], placed her hand on his groin, as he told [REDACTED] that it was hers. Andrade also touched [REDACTED] breasts.

During the recorded interview with Detectives Carpenter and Kluge, [REDACTED] essentially told the detectives the following regarding the contact between Andrade and [REDACTED]: On March 14th or 15th, [REDACTED] and [REDACTED] went to [REDACTED] home. [REDACTED] told [REDACTED] what had happened between her and Andrade. She said Andrade separated [REDACTED] from the rest of the deputies and asked for [REDACTED] phone number. Andrade later called [REDACTED] and picked her up at the corner of Spring Glen Lane and Jamacha Boulevard (near [REDACTED] campsite). Andrade turned on his lights and siren and drove fast because he was going to a fire call. Andrade dropped off [REDACTED] at the back of the storefront and returned to the storefront about 10 minutes later. Andrade placed his hand down [REDACTED] shirt and felt her breasts. Andrade

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asked [REDACTED] if she was hungry and said he had food inside the storefront. Andrade and [REDACTED] went inside the storefront and Andrade placed [REDACTED] hand on his penis outside his clothing. Andrade told [REDACTED] his penis belonged to [REDACTED] if she wanted it. [REDACTED] has told [REDACTED] the same story several times, which has remained consistent. [REDACTED] drove [REDACTED] to the SDSO Rancho San Diego Station to report the incident.

The following information was confirmed through the San Diego Sheriff's Department Computer Aided Dispatch (CAD) Query and the Automatic Vehicle Locator (AVL) for Andrade's patrol shift on March 11, 2017. Detective Kluge and I both reviewed the information and came to the same conclusions.

At 06:30:29 hours, Andrade logged into CAD in vehicle #20161 (Ford Crown Victoria) as 60P3A.

At 12:39:59 hours, [REDACTED] called 911 to report [REDACTED] was pulling her hair and trying to take her cell phone, according to CAD Query E4013235. The location of the call was a transient encampment near the 10400 block of Jamacha Boulevard in Spring Valley. CAD also indicated Deputy Michael Alcarion (60P1A) and Deputy Eric Mitchell (60P15A) responded to the call along with Andrade. [REDACTED] was arrested (SDSO CN#17112848) by Andrade for a felony warrant and [REDACTED] was later transported to San Diego Central Jail by Reserve Deputy Jimenez (60Z1A).

At 16:30:51 hours, AVL indicated Andrade's vehicle sat idle, (0 MPH) on Spring Glen Lane just west of Jamacha Boulevard near [REDACTED] transient camp. There were no additional radio calls at that location. Andrade being at that location corroborated [REDACTED] statement of Andrade picking her up. [REDACTED] also had two brief incoming calls at 1624 and 1633 hours from the "private number" she said was Andrade. It appears, Andrade may have called [REDACTED] at 1624 hours to tell her that he was driving to her location. Since Andrade's vehicle sat idle for some time, he possibly called her again at 1633 hours to let [REDACTED] know he was there. An additional interview is needed with [REDACTED] to clarify these details.

At 16:37:29 hours, Andrade received a radio call to assist the fire department with an oven fire at 9109 Kenwood Drive #25 in Spring Valley. I obtained a copy of the recorded radio traffic from Jeffrey Hollie at the Communications Center regarding this call. I reviewed the radio traffic and heard the fire call was dispatched to 60P1A (Deputy Alcarion) who advised he would be in route Code-3 to the call. Sheriff's Dispatch requested Andrade to cover 60P1A, but he initially did not respond to the radio dispatcher. Only after the Patrol Sergeant spoke on the radio did Andrade advise Sheriff's Dispatch he would be in route Code-3 to the call. This was during the time [REDACTED] said she was inside Andrade's patrol car.

At 16:37:38 hours, AVL indicated Andrade's vehicle drove northbound on Sweetwater Springs Boulevard at 27 MPH. His vehicle continued northbound on Sweetwater Springs Boulevard at speeds of 56 MPH, (16:38:07 hours), 62 MPH, (16:38:22 hours), 67 MPH (16:38:37 hours), and 44 MPH (16:38:53 hours). Sweetwater Springs Boulevard turns into Campo Road after crossing underneath Highway 94.

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At 16:39:07 hours, AVL indicated Andrade's vehicle was on Campo Road and travelling 69 MPH. The vehicle drove westbound on Campo Road at 16:39:22 hours at 56 MPH. Andrade then headed northbound on Bonita Street at 16:39:41 hours at 19 MPH and turned westbound onto San Juan Street at 16:41:47 hours at 21 MPH. San Juan Street is the alleyway that runs directly behind the Casa De Oro Storefront located at 9736 Campo Road. There is an approximate two minute gap between GPS pings when Andrade's vehicle was traveling 19 MPH and 21 MPH on San Juan Street. It is possible Andrade stopped his patrol car and had [REDACTED] exit the car during this two minute gap in GPS signals. An additional interview is needed with [REDACTED] to clarify this detail.

At 16:42:28 hours, AVL indicated Andrade's vehicle travelled southbound on Kenwood Drive at 50 MPH. Andrade continued on Kenwood Drive at 16:42:42 hours at 67 MPH and arrived to the fire call at 16:42:52 hours, according to CAD Query. Units 60P1A and 60P7A were also dispatched to the fire call and drove Code-3 to get there. Andrade was the closest unit to the fire call when dispatched and should have arrived first on scene. According to CAD Query, Andrade arrived almost one minute after 60P7A arrived. Upon reviewing a map of the area, the fastest route from Andrade's location to the emergency fire call was 94 West, exit Kenwood Drive, and turn left at the stop sign onto Kenwood Drive. According to AVL, both 60P1A and 60P7A took the fastest route possible and utilized the freeway. Andrade took the slower route, passed by the entrance to 94 West, and took a detour to the alleyway behind the storefront on San Juan Street. This was consistent with [REDACTED] initial statement.

At 16:45:25 hours, while at the scene of the fire call, Andrade cleared himself from the call and received another radio call, (Event #E4013603) of a disturbance between neighbors at 9210 Kenwood Drive. The location was within walking distance of the fire call. Andrade's vehicle remained idle at 0 MPH while he was on the argument call. There was no report taken reference the disturbance call. Andrade's vehicle did not move again until 17:09:32 hours and then traveled northbound on Kenwood Drive at 24 MPH. Andrade turned eastbound on Campo Road at 17:10:21 hours at 16 MPH. At 17:12:04 hours, Andrade's vehicle was on San Juan Street directly behind the Casa De Oro Storefront, sitting idle at 0 MPH. The sedan remained idle at the storefront location for the next 20 minutes. Andrade kept himself on the radio call for over 20 minutes after leaving the scene of his previous radio call, while he was at the storefront. This was consistent with [REDACTED] statement that she and Andrade were at the storefront. Andrade cleared himself from the argument call as at 17:32:16 hours with a disposition of "CNTD BOTH PARTIES WHO CLAIM 415 OVER PARKING AND LIVING CONDITIONS AT APT COMPLEX. NO THREATS WERE MADE AND NO WEAPONS WERE USED DURING INCIDENT. BOTH PARTIES AGREED TO STAY IN OWN APT AND STAY WAY FROM EACH OTHER."

At 17:32:52 hours, Andrade received a radio call, (Event #E4013663) of a welfare check at 8627 Troy Street. At 17:33:02 hours the sedan began travelling westbound on San Juan Street and then continued westbound onto Campo Road and then southbound onto Kenwood Drive.

Based on the GPS data, [REDACTED] appeared truthful regarding her statement of Andrade picking her up on Spring Glen Lane and Jamacha Boulevard and then driving fast in Andrade's patrol car

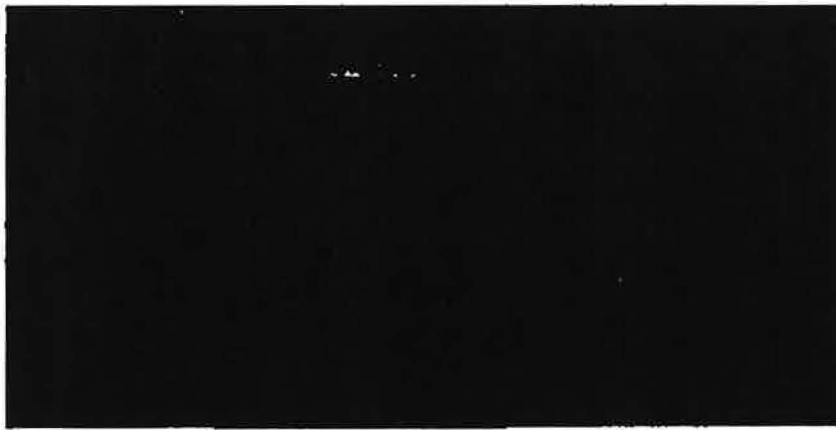
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while going to a radio call of a fire. The GPS data also supported [REDACTED] statement that she was driven to the alley behind the Casa De Oro Storefront, dropped off, and Andrade left and continued on to the fire call. The GPS data supported [REDACTED] statement that Andrade returned to the storefront about twenty minutes later. [REDACTED] would not know the manner, locations, and time estimates regarding Andrade's emergency response and driving routes unless she was inside the patrol vehicle with him.

I reviewed the Arrest Report completed by Andrade when he arrested [REDACTED] on March 11, 2017. Although both Andrade and [REDACTED] state Andrade asked [REDACTED] for her phone number and address, he did not list her in the as a "witness or other." There was no field interview entered into NetRMS with [REDACTED] information for that day.

On April 4, 2017, I went to the Casa De Oro Storefront at 9736 Campo Road in Spring Valley to locate the storage cabinet with clothes that [REDACTED] had referenced. I located one large storage cabinet that was unlocked. The cabinet was located on the east portion of the building behind Little Caesar's Pizza. The cabinet was completely empty. I attempted to contact the witness [REDACTED] at Fruity Loco located at 9766 Campo Road, but he was not at the business. I reached out to Captain Marco Garmo for assistance in contacting [REDACTED], knowing Captain Garmo had connections with the Chaldean community. Captain Garmo also tried to obtain an interview with [REDACTED] since he [REDACTED] was not willing to meet with Detectives Carpenter and Kluge. [REDACTED] was adamant he saw nothing and would not provide an actual statement. [REDACTED] accused us of harassing him and I no longer attempted to contact him.

Through NetRMS and social media, I learned [REDACTED] was a [REDACTED] in her [REDACTED], with [REDACTED], [REDACTED], [REDACTED] tall, and weighed about [REDACTED] pounds. I located [REDACTED] Facebook account and found the following photograph she posted of herself.



As I searched through [REDACTED] Facebook account, I learned a few hours after [REDACTED] had the interaction with Andrade, she wrote and posted the following on her Facebook page: "Met a police officer who wanted to take me into the bushes." I also located a post from March 21,

2017, where [REDACTED] made direct mention of Andrade. She posted and wrote: "So the day this idiot [REDACTED] attacked me, this incident with Andrade happened."

[REDACTED]

met a police officer who wanted to take me into the bushes .

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[REDACTED]

So the Day this idiot [REDACTED] attacked me, this incident with Andrade happened

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STATEMENT OF COMPLAINTANT ([REDACTED])

On April 20, 2017, at approximately 0953 hours, I conducted an interview with [REDACTED]. The interview was conducted inside a county vehicle parked at the Chevron gas station located on the corner of Jamacha Boulevard and Sweetwater Springs Boulevard in Spring Valley. Sergeant Farris was present in the driver's seat, while I sat in the back seat next to [REDACTED]. [REDACTED] was aware I was recording the interview. The following is a synopsis of the interview.

[REDACTED] has been homeless for the last seven months and has five children who have been taken away from her by Child Protective Services. [REDACTED] previously had an apartment through Section 8 housing, but lost her housing because she had too much police contact and too many people frequenting her apartment.

I told [REDACTED] I read her initial statement she provided to the detectives and asked her to retell the story regarding her contact with Deputy Andrade on March 11, 2017. [REDACTED] essentially said the following.

[REDACTED] was at her friend's tent, which is down the street on Jamacha Boulevard. [REDACTED] friend is named [REDACTED]. [REDACTED] is not [REDACTED] boyfriend. [REDACTED] had been drinking all day and became physically aggressive with [REDACTED] by dumping muddy

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water and soda on her. [REDACTED] was tired of [REDACTED] "attacking" her so she called 911. Andrade and other deputies showed up to talk with [REDACTED]. [REDACTED] told Andrade what happened and told him [REDACTED] had a warrant for his arrest.

[REDACTED] and the deputies went to the camp and they ended up "checking" [REDACTED] and then arrested him. After [REDACTED] was arrested, everyone walked back to where the deputies parked their cars up the street. Andrade's car was parked a little ahead of the other patrol cars. [REDACTED] was put in the patrol car and Andrade pulled [REDACTED] aside to talk with her privately by his car. She stated,

So he pulled me aside and he was like, he told me that I, that he thought I was very beautiful and he wanted to, if his partners weren't there, that he wanted to take me in the bushes and make out with me. So I was, I was just like a little bit weirded by it. Cuz like nobody's ever done that to me before.

Andrade wrote down [REDACTED] information such as her name, address, and phone number. Andrade said they were taking [REDACTED] to jail, so [REDACTED] left and went back to her camp.

About thirty minutes later, [REDACTED] was at her friend's camp talking when Andrade called her from a "private number." [REDACTED] thought it was "really weird" that he was calling her. She said Andrade was "like just telling me how beautiful I am and stuff and that he, he wanted, he wants to do some things to help me and stuff, cuz he knows my situation." Andrade talked about how he wanted to kiss her. Andrade talked about his wife during that initial phone conversation. He kept complimenting [REDACTED] on the way she looked. Andrade told [REDACTED] he had to get off the phone because he had to go to a radio call.

About 25 minutes after the initial phone call, Andrade called [REDACTED] back and said he had gone to a "disturbance call." Andrade told [REDACTED] he had some things to give to her. This is when he said he had a "golden rod." Andrade again said he wanted to kiss [REDACTED]. Andrade said he wanted to come and pick [REDACTED] up and he would call her when he was up the street. Andrade told [REDACTED] he had some food and clothing to give her. [REDACTED] said, "He knew I was hungry and I didn't have any money and stuff." [REDACTED] agreed to go with Andrade. He told [REDACTED] he would be up the street from where the deputies had parked earlier during the radio call. [REDACTED] said the following regarding the telephone call:

And then he was like saying that he wanted to come and pick me up and he also made some comments about his wife and stuff and how he's not happy and she's, he called her a frigid bitch. And um I don't know his wife or anything... And then he told me he had the golden rod, that's what he said. I thought it was something else but it was golden rod. That's what he said. And then I was like, okay.

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██████ described the two brief phone calls that were for 29 seconds and 10 seconds. The 29-second phone call occurred at 4:24 PM and was Andrade saying he was up the street, parked and waiting for ██████ ██████ took too long so Andrade called back again, but ██████ was already walking out and could see his car. That is why the conversation was so brief. ██████ got in the car and they immediately drove away. ██████ thinks they might have been at the stop light by Monte Vista High School when Andrade got the fire call and took off. ██████ said,

It was an emergency call and stuff. So I could hear all the other deputies and stuff going to this call. There was, there was sirens and stuff. And then, so we get in the car and he starts driving really fricken fast, like a hundred miles an hour I would say... And we went through the lights and everything.

Andrade drove ██████ to the back of the substation in Casa De Oro and showed her where a cabinet was that had clothes for her. ██████ said, "And he told me that he had some clothes for me in this cabinet and I don't know where the clothes came from." As ██████ was looking inside the cabinet, Andrade came up behind ██████ and started fondling her breasts. Andrade put his hand inside ██████ shirt and started kissing her. ██████ said,

And then he was standing like outside the car and he came, he comes up to me and he starts like fondling my breasts and stuff. Put his hand in my shirt and then he kissed me and stuff at that point. And um, and then he was kind of like fondling me down here and stuff (motioned to vaginal area).

██████ said there was a man who pulled up near them while she and Andrade were kissing. ██████ said she felt weird because the man could see them and Andrade did not seem to care. ██████ said,

He just, you know, stood there and kept like kissing on me and stuff. And I was like. I just felt weird because this guy's right here and like he could see us. And I just, I don't know. I just felt like it was wrong you know. I felt uncomfortable with it in some ways.

Andrade left to the fire call and was gone for about 15-20 minutes. When Andrade was gone, ██████, the man from Fruity Loco, asked ██████ to help him hang some lights. She was excited because she thought he was offering her a job. Her phone records indicate there were two missed calls from a private number at 5:08 and at 5:12 PM. ██████ was in Fruity Loco during this time helping ██████ hang lights and missed Andrade's phone calls. Her cell phone was in her purse and she was in the front of the store. At 5:13 PM, she received a call from Andrade. He said he had some food for her and told her to go outside.

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I.A. FILES
TO 7A

█ went outside and saw Andrade's car was parked down by the substation. █ walked down to Andrade who was standing next to his car waiting for █. Andrade told █ to come inside the substation. █ said,

And so he told me like let's go in this substation. So I went in there with him. And then like, he had some food that I guess it was leftovers or something that he had heated up for me to eat or whatever. And then like, I asked him could I wash my hands. So I went in the bathroom and I washed my hands.

█ said she had never been inside the storefront prior to this incident. She provided an accurate description of the layout of the substation. After █ washed her hands inside the storefront, she walked over to the food and took a bite. Andrade came over to her and started kissing her as they stood next to the microwave. █ said,

And then he just started like touching me again and stuff and kissing me...he also put my hand on his, down there (motioned to groin area) and stuff. And then I felt very uncomfortable. And then he told me he was getting off work and that it was time to go or whatever. So after that I, you know we left and stuff. And I haven't heard from him since. It was the weirdest thing that's ever happened to me. Very weird.

█ again described the route Andrade drove when she was in the back seat of his patrol car. Her description was consistent not only with her initial statement, but was corroborated with the information I obtained from AVL related to Andrade's vehicle. When Andrade drove █ in the alley behind the storefront, she said they were parked there for about 10-15 minutes. This is not corroborated by AVL. AVL shows Andrade only being there for less than two minutes when he dropped █ off in the alley near Fruity Loco.

█ said she had met Andrade quite a few times before during other law enforcement contacts and just thought of him as another deputy. She did not have a friendship with Andrade. █ said she learned who Andrade was because he introduced himself and she saw his nametag during the earlier alleged assault call. Andrade was the only deputy who spoke to her at the initial radio call.

I provided █ a photocopy of a map of the area. I asked her to draw on the map to show which direction she drove with Deputy Andrade. █ drawing was consistent with her previous statement and was corroborated by AVL.

I showed █ her recent Facebook post that read, "Andrade Americas former finest" and asked her what she meant by it. █ said it was just a joke. I saw █ appeared surprised I had a copy of her recent Facebook Post. I planned to continue monitoring █

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I.A. FILES
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Facebook account and did not want her to change her behavior knowing I was monitoring her account, so I did not show her any additional posts.

I read the Photo Line-Up Admonishment to [REDACTED], but changed the word "crime" to "incident." There were eight photographs in the line-up. Andrade was #6 in the Line-Up. When she saw Andrade's photo, [REDACTED] said, "This is him." I had [REDACTED] still look at the remaining two photographs. After [REDACTED] had looked at all eight photographs she returned to #6 and said, "A hundred percent positive that's him."

[REDACTED] said she went with Andrade because she was hungry and needed clothes. [REDACTED] said,

I kind of feel like maybe he took advantage of the situation a little bit...He knew like everyone else was going to this call. So he kinda knew that he had some time to get away with it.

I didn't really want to pursue anything with it, but they talked me into it. It just, I don't know, it just felt weird to say to (inaudible).

[REDACTED] felt "bullied" by those she told and said [REDACTED] was the one who initiated everything. When asked what she would like to happen to Andrade because of this incident, [REDACTED] said,

I don't really have any idea. I just really, I don't know what to say on that... I mean I don't hate him or anything. I don't really have anything against him like that much...I'm not afraid of him or anything.

[REDACTED] did say she would likely feel uncomfortable if Andrade showed up on a future call because the whole thing is "embarrassing." It made [REDACTED] feel she was treated like an object and Andrade is married.

I concluded the interview at 1029 hours with a request not to disclose.

STATEMENT OF WITNESS(DEPUTY ERIC MITCHELL)

On April 26, 2017, at 1407 hours, I interviewed Deputy Eric Mitchell in the Community Room at the Rancho San Diego Sheriff's Station in Spring Valley.

Mitchell was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. Mitchell indicated he understood the policies and would adhere to them.

Mitchell was aware I was recording the interview. A synopsis of this interview follows.

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I.A. FILES
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Mitchell has been employed by the San Diego County Sheriff's Department since July 2016, and currently works patrol at the Rancho San Diego Station. Prior to being hired with the Sheriff's Department, Mitchell worked for the Harbor Police Department for about 13 years.

Mitchell was working March 11, 2017, and had a civilian ride-a-long. Mitchell responded to the battery call at 10400 Jamacha Boulevard in Spring Valley (CAD E4013235). When Mitchell arrived, he remembers being flagged down by [REDACTED]. [REDACTED] was on the north side of Jamacha Boulevard past Sweetwater Springs heading towards Pointe Parkway. The north beat deputies, Andrade and Alcarion also arrived. [REDACTED] said she was involved in an altercation with a male subject ([REDACTED]) who had warrants for his arrest. [REDACTED] directed them to a transient encampment near the intersection of Sweetwater Springs and Jamacha Boulevard. [REDACTED] stayed by the street while they went to the encampment. They contacted [REDACTED], confirmed his warrant, and walked him out to the patrol cars. Mitchell left the area as soon as [REDACTED] was being put in the patrol car. Mitchell did not see any of the deputies talking with [REDACTED] privately or obtaining her information. Andrade has not said anything about [REDACTED]

Mitchell worked with Andrade for three weeks on a previous team and they have been on the same team for the last few months. They cover different areas, but still go to a couple calls together per shift. Mitchell considers Andrade a friend and they have done things outside of work. Mitchell has no knowledge of Andrade feeding or helping the homeless. Mitchell has never heard Andrade say anything about helping the homeless population. Mitchell was not aware of any storage cabinets behind the storefront that stored clothes for the homeless. Mitchell has never seen Andrade with an unauthorized ride-a-long. Mitchell has never heard of Andrade obtaining a female's phone number and later reaching out to them for his own personal reasons. He has never heard of Andrade acting inappropriately towards any females during radio calls.

Mitchell described the storefront and said there was no bench inside to secure prisoners. When asked if civilians were allowed in the storefront, Mitchell said he would allow a civilian ride-a-long inside the storefront, but otherwise civilians would not go inside. Typically if a civilian knocked on the door and had a question, Mitchell would step outside to answer their questions. Mitchell said, "There's not civilian civilians sitting there hanging out. Like I've said, I've seen a few people here and there bring ride-a-longs, that are civilian ride-a-longs. Hey I'm gonna knock out paper, I need to make a phone call or to use the restroom. But short of that, no."

I concluded the interview at 1425 hours with a retaliation order and an order not to disclose, both of which Mitchell stated he understood.

STATEMENT OF WITNESS (DEPUTY MICHAEL ALCARION)

On April 26, 2017, at 1429 hours, I interviewed Deputy Michael Alcarion in the Community Room at the Rancho San Diego Sheriff's Station in Spring Valley.

RELEASED FROM
I.A. FILES
TO 48

Alcarion was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. Alcarion indicated he understood the policies and would adhere to them.

Alcarion was aware I was recording the interview. A synopsis of this interview follows.

Alcarion has been employed by the San Diego County Sheriff's Department for over three years and currently works patrol at the Rancho San Diego Station. Alcarion was working March 11, 2017 with his partner, Deputy Juan Andrade. Alcarion responded to the battery call at 10400 Jamacha Boulevard in Spring Valley (CAD E4013235). Andrade and Alcarion both responded to the battery call and initially could not find the reporting party, [REDACTED]. The deputies found [REDACTED] and contacted her on the sidewalk. Alcarion and Andrade parked their patrol cars on Pointe Parkway and Jamacha Boulevard. Alcarion parked his patrol vehicle behind Andrade's car. Deputy Eric Mitchell was also on the call and parked nearby.

Andrade was primary on the call and spoke to [REDACTED]. [REDACTED] told them about a white male [REDACTED] who had battered her because he wanted to use her phone. [REDACTED] told Andrade about [REDACTED] having a felony warrant and guided them in the direction of where his tent was. They contacted [REDACTED], confirmed the warrant, and handcuffed him near his tent. They walked [REDACTED] out to the patrol vehicles and secured [REDACTED] in the back of Andrade's car.

After [REDACTED] was secured in the car, Andrade spoke privately with [REDACTED]. Alcarion said, "Yes from a distance I saw them talking." Alcarion was standing near his patrol car and saw Andrade and [REDACTED] talking. They were both standing near Andrade's patrol car. Alcarion was not staring at them the whole time, but did see them talking. Alcarion could not hear what was being said because of the distance. There was nothing odd or unusual about their contact. It appeared Andrade was just giving [REDACTED] information about something and [REDACTED] was just looking at him. Alcarion said, "Nothing that caught my attention." [REDACTED] left the area and Alcarion stayed with Andrade waiting for the reserve deputy. Andrade did not say anything to Alcarion about [REDACTED]. Alcarion has been partners with Andrade for about the last three months and they go to many radio calls together. Alcarion and Andrade are friends outside of work and Alcarion considers him a good friend.

Alcarion has never seen Andrade help transients nor do something kind for them. Andrade has never said anything about helping the homeless. Alcarion has never heard or seen Andrade give the homeless his food or give them money. Alcarion is not aware of any cabinets behind the storefront that has clothes for the homeless. Alcarion has never heard of Andrade giving someone an unauthorized ride-a-long. Alcarion has never heard of Andrade obtaining a female's phone number and later reaching out to them for his own personal reasons. Alcarion has never heard of Andrade acting inappropriately towards females during radio calls.

Alcarion described the storefront and said civilians sometimes come into the storefront when they need assistance. When asked if civilians ever go into the back area near the computers

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I.A. FILES
TO

where the bathroom is, Alcarion responded, "No that's too far. They can't go back there...Only in the front."

I concluded the interview at 1449 hours with a retaliation order and an order not to disclose, both of which Alcarion stated he understood.

INVESTIGATION

On May 2, 2017, at about 1600 hours, I received a telephone call on my Department cell phone from Attorney [REDACTED], a civil litigation attorney. From the phone call, I learned [REDACTED] is an associate at Geragos & Geragos Law Firm out of Los Angeles. [REDACTED] told me he is representing [REDACTED] and he heard I was trying to get in contact with her. I explained to [REDACTED] that was an old request and I had already obtained a statement from [REDACTED]. [REDACTED] expressed his willingness to put me in contact with other people who could help with my investigation or who might have a similar story. I do not know if [REDACTED] actually had information or if he was trying to obtain information from me, which I did not provide. I thanked [REDACTED] for the offer and told [REDACTED] he needed to go through the proper channels to get any information.

[REDACTED] provided his contact information. Attorney [REDACTED] from Geragos & Geragos. His desk line is [REDACTED] and his cell number is [REDACTED]. Email address is [REDACTED]. His partner's email is [REDACTED].

Upon completion of the phone call, I briefly conducted an open source search of Geragos & Geragos and [REDACTED] and learned the following: Mark Geragos is the main partner with the firm. Their firm represents famous people such as Chris Brown and Michael Jackson. [REDACTED] is one of six associates listed on their website. <http://www.geragos.com/>

[REDACTED] has a Twitter and Instagram account and is active on both sites. His profile pictures show him standing with "End Police Brutality" type of protesters. On May 1, 2017, [REDACTED] "tweeted" the following: "Meeting today with victim of sexual assault by officer in San Diego County. Stay tuned more news to come."

The following are links to his accounts:

[REDACTED]
[REDACTED]

On May 8, 2017, I went to the Rancho San Diego Station to obtain items from an evidence locker. Detective Carpenter had previously collected two items of clothing from [REDACTED] during his preliminary investigation and secured the clothing in the evidence locker located in the top left hand corner. The clothing was a blue and black striped shirt and black pants. Detective Carpenter provided me the combination code of [REDACTED]. On May 8, 2017, I retrieved the clothing from the locker and stored those items at my desk for my interview with Andrade.

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STATEMENT OF ACCUSED (DEPUTY JUAN ANDRADE)

Throughout this interview, these initials will represent the following individuals.

AB: Amber Baggs (Investigator)

JA: Juan Andrade (Accused)

On May 9, 2017, at 0937 hours, I interviewed Deputy Juan Andrade at the Internal Affairs Conference Room. Present during this interview was Sergeant Jill Farris from Internal Affairs and Andrade's attorney, Chris Kowalski. I read Andrade his Miranda rights from a printed form. Andrade told me he understood his Miranda rights and was not willing to speak with me. I read Andrade the Garrity Admonition from the same form and ordered him to answer my questions fully and truthfully.

Andrade was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. Andrade indicated he understood the policies and would adhere to them.

Prior to this interview, I afforded Andrade and his attorney the opportunity to review the following documents.

- Complaint for IA Case 2017-027.1
- Arrest Report written by Deputy Andrade from March 11, 2017 (#17112848)
- Andrade's CAD Query History from March 11, 2017 (1219 hours - 1801 hours)
- CAD Query details for Events: E4013235, E4013346, E4013502, E4013555, E4013595, E4013603, E4013663, E4013675

Andrade was aware I was recording the interview. The interview was about one hour and 23 minutes in duration. Attorney Kowalski requested two separate breaks during the interview, which I allowed. A synopsis of this interview follows.

Andrade has worked for the San Diego County Sheriff's Department for almost five and a half years. He initially worked at the George Bailey Detention Facility and has worked at the Rancho San Diego Station for the past three years as a patrol deputy.

I showed four photographs of [REDACTED] to Andrade and asked if he knew who the person in the photos was. Andrade recognized [REDACTED] as being the one who had called in to report her phone being taken. Andrade remembered her name as [REDACTED] Prior to the battery call (E4013235), Andrade said he had never seen [REDACTED] before. When asked directly if he

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TO AB

had ever seen [REDACTED] before, his response was, "No ma'am." When asked if he had even "visually" seen her before, Andrade responded, "I didn't even know who she was ma'am."

Andrade confirmed he was working patrol on March 11, 2017, and was driving vehicle #20161. Andrade was the only person to drive his patrol vehicle. During his shift that day, Andrade responded to a battery call at 10400 Jamacha Boulevard, CAD E4013235. He explained the details of the radio call. When the deputies responded, they initially could not find the location because it was a generic address. They ended up near the corner of Jamacha Boulevard and Sweetwater Springs Boulevard after [REDACTED] flagged the deputies down. As Andrade contacted [REDACTED], he noticed she was soaked in some type of liquid. [REDACTED] told Andrade about a male subject who had taken her phone and refused to return it. The same male subject doused [REDACTED] with a drink and had a warrant for his arrest according to [REDACTED]. [REDACTED] directed Andrade and the other deputies to where the male subject was. The deputies made contact with the subject, identified as [REDACTED], along with [REDACTED].

Andrade obtained [REDACTED] statement. According to [REDACTED], [REDACTED] had been sleeping in his tent and she started taking advantage of him. [REDACTED] was using [REDACTED] for his money and food and other things. Andrade thought the "other things" meant drugs. [REDACTED] got upset with [REDACTED] because she stepped over his clothing in the tent. [REDACTED] admitted to having [REDACTED] cell phone in his tent and agreed to let [REDACTED] retrieve her phone. [REDACTED] walked in and grabbed her phone along with other belongings from the tent. Andrade asked [REDACTED] if she still wanted a report for [REDACTED] assaulting her and [REDACTED] said no because she only wanted her phone returned. [REDACTED] said she was going to leave the area.

Andrade conducted a record's check of [REDACTED] and his companion and confirmed [REDACTED] had a warrant for his arrest. Andrade arrested [REDACTED] for the warrant. Andrade spoke with [REDACTED] privately to verify and confirm she did not want a battery report taken. The conversation occurred after they walked out from the tent area and put [REDACTED] in the patrol car. Andrade and [REDACTED] were standing at the front of his patrol car and his partners were standing at the rear of his car. Andrade said there was only about a one car length separation between him and his partners as he spoke with [REDACTED] privately.

When asked about [REDACTED] demeanor, Andrade said [REDACTED] was initially acting frantic and upset because she wanted her cell phone back from [REDACTED]. [REDACTED] kept repeating that she wanted her phone back and she wanted to get her belongings so she could get leave the area. Andrade described [REDACTED] as being "nervous and scared." When Andrade spoke privately to [REDACTED], she seemed glad and relieved [REDACTED] was going to jail. [REDACTED] was acting like she might have been under the influence, but Andrade could not tell and thought she may have been acting that way because of the incident. Andrade does not know if [REDACTED] was flirtatious and said if she was, he would have just "dismissed it." Andrade referenced his

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I.A. FILES
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reports and admitted he forgot to list [REDACTED] as a "witness or other." Andrade said he completely forgot about it and said, "I'll take the blame for that."

I asked Andrade if he told [REDACTED] he wanted to take her into the bushes if his partners were not there. Andrade responded, "No. (Pauses) Cuz I think my partners were like within ear shot so I wouldn't say nothing like that to her." I asked Andrade if he would have said that if his partners were not within ear shot? Andrade responded, "I still wouldn't tell her."

When asked why [REDACTED] would say this, Andrade responded,

The only thing I can think of is either she was 5150 or she was, she's trying to get something out of the Department. And the reason I say that is because when I, during the final contact she started talking about the Luminari and needing a hundred dollars. There was no way I was going to give her money for anything. I was just trying to help her out. Just trying to give a hand out to somebody that I thought needed it.

Andrade wrote down [REDACTED] information on his deputy's notebook such as her name, date of birth, and phone number. Andrade said he still had the notebook in his locker at work and was willing to provide me the notebook. I asked Andrade for confirmation this was the first time he met [REDACTED] and Andrade's response was, "Yes ma'am."

A reserve deputy agreed to take [REDACTED] to jail so Andrade could write his report. Andrade received a second radio call of a disturbance that was a couple blocks away from his current location. The involved parties were gone upon Andrade's arrival. Andrade referenced the CAD printouts I provided him and gave additional details about his radio calls. Andrade went to a "5150" call, but the reporting party only wanted assistance from the Psychiatric Emergency Response Team. Andrade went to another call of a "suspicious person" reference two male subjects who appeared to be dumping a couch.

After this radio call, Andrade remembered [REDACTED] and how she wanted to leave the area, so he decided to call her. Andrade remembered when he left her battery call earlier that day, he was going to give [REDACTED] a pamphlet for shelters and assistance. The pamphlet Andrade was referring to was the DV/ PAT 26 pamphlet and had shelter information on it. Andrade has passed out these pamphlets in the past to people who were not involved in domestic violence. During the telephone conversation, Andrade told [REDACTED] he had information that would help her because [REDACTED] genuinely seemed like she wanted help. [REDACTED] agreed.

Andrade told [REDACTED] he was down the street and could bring her the information. Andrade waited for [REDACTED] although it took her a while to come out. When [REDACTED] came out, she had different clothes on than before. The clothes appeared four sizes too small for [REDACTED] and

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she looked very uncomfortable. Andrade told [REDACTED] "Hey um, is that the best that you can do?" [REDACTED] said she did not have any other clothes.

Andrade told [REDACTED] he knew where some clothes were at, if she was interested and [REDACTED] agreed. [REDACTED] made a comment that she was trying to "get out of there" and trying to go to either El Cajon or La Mesa. Andrade told [REDACTED] the clothes were on the way to La Mesa if she wanted them. Andrade said he could drop her off and she could look to see if there were any clothes she wanted. [REDACTED] got in Andrade's patrol car. When asked if he broadcasted the courtesy transport, Andrade said he was going to broadcast the time, mileage and courtesy transport, but he thinks there was a lot of radio traffic at the time. They were about two miles away from where the clothes were at and the traffic started getting "heavier and heavier on the radio."

Andrade heard the "assist call" on the radio reference the fire and he realized the call was on his beat. Andrade felt like he was "stuck." He was going to pull over and drop [REDACTED] off. When he told [REDACTED] he had to drop her off, she did not want to get out of the car and Andrade did not want to fight with her. Andrade just made the decision and said, "I know I screwed up. Um, I made the decision just to continue since it was on the way where I was gonna drop her off anyway." Andrade does not remember if [REDACTED] was wearing a seatbelt when he drove Code-3 with her in the car. Andrade admits he would have taken a different route to the fire call, had [REDACTED] not been inside his patrol car.

Andrade described the location where the clothes were as a type of storage shed. There was a big electrical box that looked like a giant closet and had clothes in it. The storage shed was behind the storefront and was closer to the chain-link fence. Andrade thought it was behind Little Caesars. The shed was unlocked and the local transients used the shed to store extra clothing they would find. The transients thought the deputies did not know about it, but Andrade knew. Andrade is not sure if his partners knew about it. Andrade did not know if there would be any clothes that would fit [REDACTED], but thought she could at least check.

When they arrived behind Little Caesars to look in the storage shed, Andrade's patrol car was facing west on San Juan. Andrade let [REDACTED] out of the patrol car and walked her over to the shed to show her where the clothes were. [REDACTED] was standing in front of Andrade and he was standing behind her. As Andrade was going to get back into his car, [REDACTED] turned around and kissed Andrade. Andrade said, "She was standing in front of me and I was standing behind her trying to get back into the car and she just turned around and kissed me." Nothing was said when she kissed him. The only thing Andrade was thinking of was that he needed to get to the fire call. Andrade left and did not think anything of it. Andrade just thought it was "weird" because nothing like that had happened to him before. Andrade could not remember if he had to push [REDACTED] away from him or touch her in anyway. Andrade said, "I can't remember. All I know is I walked away and tried to get in the car cuz I felt uncomfortable."

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I.A. FILES
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Andrade went to the fire call and then went to another disturbance call down the street from the fire call. After those two radio calls, Andrade returned to the storefront to finish working on his reports and evaluations. Andrade did not see [REDACTED] and did not know if she had left the area. Andrade called [REDACTED] on her cell phone to see if she was able to find any clothes. [REDACTED] told Andrade she was still there and one of the local storeowners offered her a job to change lightbulbs so she could get money to buy food for the day. Andrade thought [REDACTED] probably had not eaten. Andrade remembered he had leftover food from the morning and offered his leftovers to [REDACTED]. Andrade told [REDACTED] where he was and waited for her, but she never showed up.

As Andrade was leaving the storefront, he saw [REDACTED] standing outside and noticed she was wearing different clothes. Andrade asked [REDACTED] if she still wanted the food and she did. Andrade allowed [REDACTED] into the storefront. Andrade said,

As I was leaving, I saw her standing outside. I said hey do you still want the food? She said sure. Um, I wanna say she walked over. I gave her the food. I warmed up the food for her in the storefront. Um, she made a comment that she needed to wash, wash her hands. So I said well we do have a bathroom. You're welcome to wash your hands. Um, she walked in. Um, she didn't close the door. I had my back to her facing the microwave. As I was warming up her food, I heard her washing her hands. I didn't hear her walk back out. I'm waiting for the food to finish cooking. Um and I, I feel her grab me and try to turn me around to try, what I'm assuming, either hug me or kiss me. I don't know what she was trying to do. And that's when I just reached for the food, gave her her food and say hey we gotta go...

Andrade said when [REDACTED] went into the storefront, she immediately went to the bathroom and he immediately started heating up the food. I asked Andrade if there was any physical contact between the two of them during that time and Andrade said, "Only when she came up and tried to hug me." I asked Andrade if [REDACTED] kissed him again. Andrade responded, "She tried to kiss me again." When asked how Andrade prevented [REDACTED] from kissing him, Andrade said, "I just turned around grabbed the food out of the microwave and walked out with her." Andrade said,

I couldn't believe she tried to do that twice. I was kind of like, the second time for me was worse than the first time. I didn't know what to think. Um I felt like she had taken something away from me without permission and she made me feel like it was my fault. And I just grabbed her food and we walked out and that was it. I didn't want anything else to do with her.

Andrade said he felt as though [REDACTED] had taken his control away and he is a deputy sheriff in uniform.

AB: *At any other time was there a kiss between you and [REDACTED]*

JA: *No.*

AB: *Just the time outside the car?*

JA: *Mm hmm.*

I asked Andrade if he tried to push [REDACTED] away to where she might have thought Andrade grabbed her breast. Andrade responded, "I think I did." When asked if it was possible that Andrade touched [REDACTED] breast when he pushed her away, Andrade responded, "I don't know. If I did it was by accident."

Andrade denied touching [REDACTED] vaginal area. Andrade denied [REDACTED] ever touching his groin area. Andrade denied kissing [REDACTED] inside the storefront and denied ever being sexually aroused.

AB: *When you were in the storefront, did you kiss [REDACTED]?*

JA: *No.*

AB: *At any time did you give the appearance that you were sexually aroused?*

JA: *No.*

Andrade denied ever telling [REDACTED] that she was beautiful, but admitted to telling [REDACTED] she was a nice person. Andrade thinks he told [REDACTED] "she could do way better than him," referring to [REDACTED]. Andrade said [REDACTED] was only inside the storefront with Andrade long enough to wash her hands and heat the food. Andrade said they were there "way less than five minutes."

Andrade did not tell any of his partners about the incident because he was too embarrassed. Andrade said, "My team jokes around a lot. And if they found out that a transient was hitting on me or actually kissed me. Then I'd be the laughing stock." Andrade said he does not find [REDACTED] attractive. When asked if Andrade had ever seen [REDACTED] on any other calls, he responded, "I have never, I don't remember ever talking to her or seeing her."

[REDACTED] started saying something about needing \$100 so she could get her music career started with Luminari and they were going to help her start her music career. Andrade and [REDACTED] left the storefront and Andrade has had no contact with her since that day.

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Andrade did not report this incident to his supervisor. He provided three separate reasons as to why he failed to report this incident.

AB: *Okay, did you report that to your supervisor?*

JA: *No.*

AB: *How come?*

JA: *Um, we're still busy. Um, I was still trying to figure out what was going on or what had happened. Um I didn't think it was anything that serious cuz it was just a quick, just you know she kissed me and I was like okay. And I left. (Note: Andrade gives three different reasons why he did not report this to a supervisor)*

Andrade said he did not like when [REDACTED] kissed him, however Andrade admitted to calling [REDACTED] again after the kiss. He explained this was because he wanted to make sure she got some clothes. During Andrade's initial contact with [REDACTED], she seemed like someone who genuinely wanted help. Andrade was just trying to help [REDACTED]. Andrade would not want to go to another radio call involving [REDACTED]

Initially, Andrade stated he called [REDACTED] two times. The first call was when he remembered he forgot to give her the DV pamphlet and the second time was when he returned to the storefront to see if she found any clothes. Andrade said the phone calls were not very long. Later in the interview however, Andrade stated he actually called [REDACTED] three times. The first time was reference the pamphlet. The second call was when he went to give her the pamphlet and called [REDACTED] to tell her where he parked. The third phone call was actually the one when he asked her if she had found clothing that fit her. [REDACTED] mentioned about working for the man to get money for food. Andrade could not remember if he called [REDACTED] more than three times. When asked if it was possible he called her more than three times, he responded, "Maybe." Andrade denied ever saying the words "golden rod" or golden cock."

I asked Andrade for more details related to his initial phone conversation with [REDACTED] Andrade did not remember all the details of the calls, but remembered she talked about trying to get her kids back. During the initial conversation, Andrade told [REDACTED] about the resources available to her. [REDACTED] told Andrade about her history and being addicted to drugs, being homeless, and trying to get her kids back.

When asked if Andrade shared any of his personal information about his home life with [REDACTED], he responded, "I don't remember. I just remember her talking about wanting to get her kids back."

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TO 4A

When asked if Andrade shared any personal information with [REDACTED] such as him being married and having problems in his marriage. Andrade paused for about six seconds and responded,

I don't remember. I remember her making a comment. Something about, (Andrade paused for 10 seconds) I think she asked about me being married. And I said I was. That's only thing I can remember.

When asked if he talked with [REDACTED] about his personal problems, Andrade responded, "I don't remember." When asked about the second telephone call to [REDACTED] that lasted for six minutes, Andrade said, "I don't remember that one. I can't recall."

When asked if [REDACTED] flirted with Andrade at any time, Andrade said [REDACTED] made some comments about his looks but he just dismissed it. Andrade could not remember when that occurred.

AB: Did [REDACTED] flirt with you at any time besides the kiss?

JA: *She made some comments, like you know you're, something about my looks or something like that and just, I just dismissed it.*

AB: *When did that happen?*

JA: *I can't remember, I can't remember when she made the comment.*

AB: *Okay was it in person?*

JA: *Yes.*

AB: *Okay. Was it when you were driving?*

JA: *No. I don't think so because I was too busy, um thinking about the call. If she made it, I couldn't remember.*

AB: *And Sergeant Farris kind of alluded to it. But also in the storefront, you said she kissed you again?*

JA: *She tried to kiss me again.*

AB: *Okay. And how did, how did that kiss, how did you stop that kiss?*

JA: *I just turned around, grabbed the food out of the microwave and walked out with her.*

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I showed Andrade the clothing I retrieved from Rancho San Diego Property and Evidence to see if he recognized the blue and black striped shirt and black pants. Andrade thought it looked like the clothes [REDACTED] was wearing during the initial battery call.

When asked if Andrade offered [REDACTED] food and clothing in exchange for anything, Andrade said, "No never."

Andrade said he is aware of the Ride Along Request form and Sheriff's Policy and Procedure Section 6.23 regarding the ride along program.

[REDACTED] was the first homeless person he had ever shown the storage cabinet to because most of them carry their clothes with them. Andrade learned of the storage cabinet when he saw it opened one day with clothing exposed. He wanted to make sure it was not a fire hazard so he checked the cabinet. Andrade has never left clothes in the cabinet. However, Andrade has given his left over food to both male and female homeless people. His partners give Andrade their leftovers because they know Andrade will give it to the homeless people. Andrade also carries around extra work boots and blankets he does not use anymore. If he sees someone in need, he helps them. Andrade has been to several illegal camping and trespassing calls involving homeless. If the homeless person appears genuine, Andrade will give them his food. He said,

I'm not trying to save the world, I'm just trying to understand it. And some of these guys have interesting stories as to why they became homeless.

Andrade was not aware of [REDACTED] being involved in any felonious activities at the time of his contact with her. Andrade said [REDACTED] "seemed" like she was under the influence of something when Andrade contacted her that day. Andrade was not certain because he did not have time to "evaluate her completely." Andrade suspected [REDACTED] used illegal drugs such as methamphetamine. Andrade said,

She had mentioned that she had been on meth before when she claimed that she was, she's been, she was clean.

Andrade was not aware of any other criminal history for [REDACTED]

When asked if he took advantage of [REDACTED], Andrade responded, "No ma'am." When asked if Andrade's actions reflected positively on him as a law enforcement officer, Andrade responded, "No ma'am. I screwed up..." Andrade went on to explain his intentions were to help [REDACTED] When asked if his actions reflected positively on the Department as a whole, Andrade responded, "No ma'am." Andrade admitted his conduct impaired his abilities to perform his duties of responding to an emergency fire call because he had to stop to drop off [REDACTED] When asked if his conduct involving [REDACTED] brought discredit upon himself as a member of our Department, Andrade said, "I think it did because I wasn't expecting it." Andrade had no idea

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TO 4A

who Attorney [REDACTED] was and has not spoken to him. No one else has reached out to Andrade reference this investigation.

When asked if there was anything else about Andrade's contact with [REDACTED] he needed to tell us about, Andrade responded, "That was it. That was the only contact with her. I've never seen her before." When asked if there would be anyone else who might come forward with similar allegations such as [REDACTED], Andrade responded, "I have no idea sarge." Andrade said nothing like this has ever happened to him before. Andrade concluded his statement by saying,

I just want to apologize to the Department and um anybody that's involved in this and for bringing any sort of (sighs), just for having to put people through this. You having to investigate, my partners.

Attorney Kowalski interrupted and told Andrade "that's good."

I concluded the interview at 1109 hours with an order not to retaliate and an order not to disclose, both of which Andrade stated he understood.

INVESTIGATION

I conducted a search in NetRMS and learned Andrade took an Arrest Report on November 22, 2015, with [REDACTED] being the victim of a misdemeanor domestic violence battery (CN#15160620). Andrade was on scene from 2018 hours until about 2108 hours. Andrade took three photographs of [REDACTED] and two photographs of the arrestee.

On May 15, 2017, I drove to the storefront in Casa De Oro. I took numerous photographs behind the storefront and what I believed was the storage cabinet both Andrade and [REDACTED] referenced. I opened the unlocked cabinet and saw it was empty except for a black hat. I photographed the inside of the cabinet.

I sent a follow-up e-mail to Attorney Kowalski on May 25, 2017, regarding Andrade's deputy notebook and personal phone records from March 11, 2017. Kowalski and Andrade declined to provide the phone records I requested, but agreed to Andrade obtaining his deputy notebook from his locker.

On May 30, 2017, at about 0800 hours, Andrade met me in the front lobby of the Rancho San Diego Station. I escorted Andrade to his locker and he retrieved the notebook for me. Andrade showed me the page that had [REDACTED] name, date of birth, and telephone number written. There was no address written down. I escorted Andrade back to the public entrance of the station. There was no discussion related to this case except for locating the specific page in the notebook.

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Upon reviewing all the documentation and my initial interview with Andrade, I requested a second interview with Andrade to clarify additional details.

STATEMENT OF ACCUSED (DEPUTY JUAN ANDRADE)

Throughout this interview, these initials will represent the following individuals.

AB: Amber Baggs (Investigator)

AA: Arnold Aldana (Investigator)

JA: Juan Andrade (Accused)

CK: Chris Kowalski (Attorney)

On May 31, 2017, at 1107 hours, I conducted a second interview with Deputy Juan Andrade at the Internal Affairs Conference Room. Present during this interview was Sergeant Arnold Aldana from Internal Affairs and Andrade's attorney, Chris Kowalski. I read Andrade his Miranda rights from a printed form. Andrade understood his Miranda rights and was not willing to speak with me. I read Andrade the Garrity Admonition from the same form and ordered him to answer my questions fully and truthfully.

Andrade was given the opportunity to read the four Rules of Conduct as it relates to Insubordination, Intervention, Departmental Reports and Truthfulness. Andrade indicated he understood the policies and would adhere to them.

Prior to this interview, I afforded Andrade and his attorney the opportunity to review the following documents and recording. Andrade agreed he had sufficient time to review his previous interview and the documents I provided.

- Complaint for IA Case 2017-027.1
- Arrest Report written by Deputy Andrade from November 22, 2015 (#15160620)
- CAD Query details from E2972841
- CD containing previous recorded interview from May 9, 2017

Andrade was aware I was recording the interview. A synopsis of this additional interview follows.

Andrade had provided me his deputy's notebook from March 11, 2017, when he wrote down [REDACTED] name, date of birth, and telephone number. He did not change or alter the contents of his notebook.

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I.A. FILES
TO AA

I started the interview establishing foundational questions regarding Andrade's marriage. Attorney Kowalski objected to the personal line of questioning. Andrade said he has been married to his wife for almost eight years and is happy in his marriage.

I conducted follow-up questioning regarding the incident from March 11, 2017. I questioned Andrade regarding the private conversation he had with [REDACTED] at the front of his patrol car. When Andrade spoke to [REDACTED] privately by his car, he could "not recall" if he told [REDACTED] he was married and had been married for six years. Andrade responded,

I don't recall um bringing that up. I mean it was an investigation. I don't know why I would bring that up.

When asked if it was possible he told [REDACTED] about his marriage, Andrade responded, "I don't remember ma'am." I further clarified the question for Andrade and basically told him, how I would remember if I had shared personal information with someone. I again asked Andrade if it was possible he said that. Andrade responded, "It could be." Andrade denied telling [REDACTED] his wife was a "frigid bitch" and that he was not getting affection from his wife. Andrade denied telling [REDACTED] he was unhappy in his marriage. Andrade said he was professional with [REDACTED] at all times during their private conversation.

I questioned Andrade regarding the telephone calls he had with [REDACTED]. I explained how he had two longer conversations with her, which totaled about 12 minutes of conversation within a 30 minute time span between 3:46 PM and 4:10 PM. I asked Andrade if he remembered any additional details regarding the content of their conversation. Andrade remembered [REDACTED] did most of the talking about her situation. Andrade said, "That's all I can remember." Andrade said he did not tell [REDACTED] his first name. When asked directly if Andrade told [REDACTED] he was married during their phone conversation, Andrade responded he thought he remembered bringing it up, which is contradictory to his initial statement.

AB: During the phone conversation did you tell her that you were married?

JA: I think I remember bringing it up.

AB: Okay how come and why, how did it come up?

JA: I don't remember why. I think it was just (pauses). I'm trying to remember why I would bring it up. But I don't remember why I brought it up.

AB: Okay but you do remember that you were the one who brought it up?

JA: Um, she asked me.

AB: Okay so she asked you? Or you brought it up?

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I.A. FILES
TO

JA: *She asked me.*

AB: *Okay so you didn't bring it up. You just answered her question?*

JA: *Yes ma'am.*

Andrade did not remember discussing anything else about his marriage while on the phone with [REDACTED]. When asked if he remembered telling [REDACTED] he was married for six years, Andrade responded, "I don't remember telling her that because I've been married for eight. It will be eight in June." Andrade denied telling [REDACTED] his wife was a "bitch" and did not give him any affection, or about being unhappy in his marriage. Andrade denied telling [REDACTED] he wanted to make-out with her or touch her. Their phone conversation was not flirtatious and Andrade just listened to [REDACTED] talk about her situation. When asked if their conversation was "over friendly," Andrade responded, "I wasn't trying to be. I was just listening to her and what her situation was." Andrade believes his conversation with [REDACTED] was professional at all times.

I asked additional questions regarding Andrade driving back to [REDACTED] location to provide her a DV pamphlet. Andrade previously stated his intention of meeting with [REDACTED] was only to provide her a DV pamphlet that had shelter information. When asked if Andrade actually provided [REDACTED] with that DV pamphlet, Andrade responded, "I can't remember...cuz she started talking about other things, like getting out of there, finding clothes. So I want to say I had it with me to hand it to her and I think she did take it."

In regards to the small clothes [REDACTED] was wearing, Andrade described them as almost cutting off her circulation. During Andrade's previous statement when he asked [REDACTED] if that was the best she could do, Andrade meant, "If that's the only clothes she could find at the time." Andrade offered to take her behind the storefront only to show her where the clothes were and was not planning on taking her anywhere else.

When Andrade was going to take [REDACTED] to get clothes, she sat in the rear passenger seat. Andrade did not pat down [REDACTED] before she got into his car because her clothes were so tight he could visibly see she did not have anything on her. Andrade did check [REDACTED] purse. Andrade did not ensure [REDACTED] was wearing her safety belt prior to driving away. Andrade admits he did not check. Andrade previously said he did not broadcast the courtesy transport, time and mileage because he thought there was a lot of radio traffic at the time.

I played the radio traffic from the Lemon Grove dispatch frequency from March 11, 2017, the time before and during when Andrade was transporting [REDACTED] in his patrol car. At about 1636 hours, the radio dispatcher sent 60P11 a "488 shoplift" radio call. There was about 40 seconds of continual radio traffic during this time. I asked Andrade if it was during this time when [REDACTED] was in his vehicle and he was unable to broadcast the courtesy transport and

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I.A. FILES
TO AA

mileage. Andrade responded, "I can't remember the exact time, but it sounds like it ma'am." Andrade thinks he was driving to the storefront with [REDACTED] when this radio call was dispatched. Andrade said, "I was trying, waiting for the traffic to die down so I could put out the courtesy 11-48." Andrade said he was trying to multi-task.

Following the 40 seconds of solid radio traffic, I played 21 seconds of the air being clear on the radio and asked Andrade why he did not use that time to broadcast the courtesy transport. Andrade responded, "I don't remember ma'am." Andrade admits he could have broadcast the courtesy transport during the 21 seconds of silence on the radio and admits he should have broadcast the information as soon as he had the chance. Andrade had access to his radio the whole time when [REDACTED] was inside his patrol vehicle. Andrade broadcast when he was en route "code" to the fire call and admits he could have let dispatch know during that time about the transport. Andrade said he was only thinking about the fire call at that time.

During his three years of patrol, Andrade has handled about 20-30 courtesy transports and broadcasted all of those on the radio because it is policy. When asked if [REDACTED] was the only female he has transported and failed to broadcast the information. Andrade responded, "As far as I know she's the only person ma'am." Andrade has created calls on his MDC before, but did not do it this time because policy prevents him from typing on his MDC while driving. (Note: Andrade could have created a call when he was initially parked with [REDACTED] near her campsite.)

Andrade admits he drove "Code-3" with [REDACTED] in his patrol car. [REDACTED] "insisted on being dropped off where the clothes were at" and did not want to get out of the car once Andrade started rolling code.

I showed Andrade two photographs of the back alleyway behind Little Caesar's Pizza. Andrade refers to the whole strip mall as the storefront. The photograph was specifically behind the area of Little Caesar's, which was located in the eastern portion of the strip mall closer to the chain-linked fence. I also provided Andrade three cut-outs of patrol cars (different sizes) in order for him to show me where he parked his patrol vehicle and explain the details of his contact with [REDACTED] behind the storefront. Andrade pointed out the storage box, which was where the transients kept extra clothes. The storage box was attached to the building near the rear entrance to Little Caesars and was the only storage area near the chain-linked fence. It was kept unlocked. Andrade could not remember how many times he saw clothes inside the shed.

I told Andrade I was providing him the photographs and patrol car cut-out in hopes this would improve his recollection of the events from that contact when [REDACTED] kissed Andrade. Andrade demonstrated the patrol car pulling in next to the storage shed with his patrol car facing west. Andrade exited the driver's side of the vehicle and closed his door. Andrade walked to the

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I.A. FILES
TO

rear of his patrol car to access the right rear passenger door and opened the door for [REDACTED]. They both walked over to the storage shed and Andrade pointed to where the clothes were.

Andrade said,

We were both standing like right by the car, um when I pointed towards the clothes, she turned around. She hugged me, kissed me and I can't remember exactly what I did or what I said. All I kept thinking was going to the call. I jumped in the car and I drove code.

During the first interview, Andrade made no mention of a hug and only mentioned the kiss by [REDACTED]. In his second interview, Andrade remembered [REDACTED] had also hugged him during their contact. When the hug and kiss occurred, [REDACTED] was standing in front of Andrade and they were both standing between the white cement parking block and the patrol car. Andrade referenced the photograph to help him recall details of the incident. Andrade said [REDACTED] was "maybe inches" away from Andrade when she stood in front of him. [REDACTED] turned around to face Andrade.

AB: *And when she turns around, how close is she then to you?*

JA: *She was literally like on top of me when she turned around.*

AB: *Okay so did she turn around and say anything and then hug you, or did she? Tell me what happened on that part.*

JA: *I don't remember her saying anything. I remember her just turning around and next thing you know she's touching me and kissing me.*

AB: *Okay touching you. So what was that? You didn't mention that last time.*

JA: *Well it's kind of like, like to grab me to pull me in. So kind of like hugging me or grabbing me to pull me in.*

AB: *Okay we gotta, we have to break that down. So grabbing you where?*

JA: *I don't remember. I just remember her, just coming in and that's it.*

Andrade did not remember how long [REDACTED] hugged him, but said it was "way less than a minute." According to Andrade, there was no time gap between the hug and when [REDACTED] kissed him. Andrade described the hug and kiss as "it just happened." I told Andrade, "I have to know what just happened?" I told Andrade I knew it was uncomfortable to talk about, but I needed the details. Andrade said,

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I.A. FILE
TO

She grabbed me and I can't remember if she tried to hug me or, I just felt her on me and kissing me.

Andrade does not remember what part of his body [REDACTED] touched. I told Andrade I needed the details of the kiss.

JA: She kissed me and I tried to break away.

AB: Okay where did she kiss you?

JA: On the lips.

AB: Okay. Um how long was the kiss?

JA: Seconds.

AB: Roughly how many seconds?

CK: Keep in mind you're asking him something about three months ago.

AB: Correct. And so if you don't remember then you don't remember. But I'm trying to put you back to this place so that we can get the details of what happened.

JA: And I'm trying to do that ma'am. I just.

AB: So you said seconds. Okay.

Andrade thought the kiss could have been two seconds long. When asked if it was an open-mouthed kiss, Andrade responded, "I don't know cuz if it would have been open I would have." Sergeant Aldana stopped Andrade from finishing his statement about not knowing whether it was an open-mouthed kiss or not. Sergeant Aldana explained to Andrade how this was a significant incident and had someone kissed him while on duty, he would have remembered this.

JA : Sir you're trying to ask me to remember something that I've been trying to block for the past three months.

AA: Why are you trying to block it?

JA: Cuz I felt gross and disgusted.

Andrade again said the kiss was about two seconds in duration and then remembered [REDACTED] had her mouth open. Andrade said, "I remember her trying to open her mouth and me trying to push her away." [REDACTED] had her hands on Andrade during the kiss, but Andrade could not remember where her hands actually were. When asked how Andrade disengaged from the kiss,

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I.A. FILES
TO AA

Andrade said, "I just got in the car and walked away. I just turned around and walked away." Andrade later said he pushed her away as he disengaged from her, but could not remember what part of [REDACTED] body he actually pushed.

JA: *I don't know if it was her abdomen area, her arms, her chest. I don't remember. I just remember just.*

AB: *Okay is it possible that you pushed her backwards and touched her chest?*

JA: *Possible. Yes ma'am.*

When asked if Andrade had any thoughts on what had just happened to him, Andrade said, "I was embarrassed and grossed-out." When asked why Andrade allowed [REDACTED] to be so close to him, Andrade explained how they were standing close between the patrol car and the cement parking block. Andrade was just trying to show [REDACTED] where the clothes were. I attempted to clarify how many times Andrade and [REDACTED] had kissed:

AB: *And was it more than one kiss?*

JA: *There?*

AB: *Yes.*

JA: *That was it.*

(Note: I believed Andrade's response to my question by asking me "there?" was an unusual answer to my question. Andrade appeared either to be deceptive in his initial statement of saying there was only one kiss or he was stalling because he did not want to answer the question. By Andrade asking "there" indicates there was additional kissing at another location.)

Andrade confirmed his initial statement when he said the kiss from [REDACTED] was weird and made him uncomfortable. Andrade was not flattered in any way with [REDACTED] affection towards him. Andrade confirmed once he returned back to the storefront after handling his radio calls, he called [REDACTED] to check if she was able to find any clothes.

AB: *And you were uncomfortable with [REDACTED] kissing you. Is that correct?*

JA: *Yes ma'am.*

AB: *Did you find her behavior of kissing you inappropriate?*

JA: *Yes ma'am.*

AB: *Did you find it offensive?*

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I.A. FILES
TO FA

JA: Yes ma'am.

AB: Then why even call her again to see if she got some clothes?

JA: I didn't think she was going to do that again. That was, there was, all I wanted to make sure was she got her clothes.

AA: Let me ask a quick question. Why were you so concerned about her?

JA: Because she asked for help.

AA: Okay. And then, so when you, so when she kissed you the first time and you felt uncomfortable, did you think about telling your supervisor what just happened?

JA: No sir.

AA: Why?

JA: Cuz I thought it was just, one of those weird things just happens and that's it.

Andrade confirmed he called [REDACTED] when he returned to the storefront to make sure she found clothes. I explained to Andrade I had a difficult time understanding why he would put himself in a similar situation with [REDACTED] after she kissed him and made him feel weird and uncomfortable. Andrade agreed people repeat their behaviors, based on what he has learned in law enforcement. When asked what made him think [REDACTED] would not repeat her behavior and try to kiss him again, Kowalski interrupted and said he thought my questioning was ambiguous and did not know where I was going in my line of questioning. I explained to both Andrade and Kowalski that I was trying to understand Andrade's mindset because in our line of work, we know people can repeat the same pattern of behavior. Andrade said his "mindset was trying to help a person out...Trying to give somebody a hand up. Nothing else. Nothing more. Didn't need or want or request anything in return."

Based on Andrade's previous statement, Andrade called [REDACTED] and learned she had been offered a job changing lightbulbs by one of the local business owners. Andrade assumed [REDACTED] was probably hungry and had not eaten. Andrade remembered he had leftovers inside the storefront and offered them to [REDACTED]

AB: And you had just been feeling uncomfortable with [REDACTED] kissing you, but you invited her to go into the storefront with you anyway, is that correct?

JA: Yes ma'am.

Andrade accessed the rear entrance of the storefront by entering the code. Andrade had no other purpose of allowing [REDACTED] into the storefront except to give her his leftover food.

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I.A. FILE #416
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AB: *How many civilians or non-Sheriff's employees have you let in the back door of the storefront to use the bathroom?*

JA: *Me, myself. None ma'am.*

AB: *So [REDACTED] was the only one?*

JA: *Yes ma'am.*

AB: *How many civilians or non-Sheriff's employees have you let in the back door of the storefront to give them your leftover food?*

JA: *None ma'am.*

AB: *Could you have let [REDACTED] wait outside while you just went inside the storefront quickly to get the food?*

JA: *Yes ma'am.*

AB: *Why didn't you?*

JA: *Because she asked to wash her hands.*

Andrade has seen senior citizens use the bathroom in the past, but admitted transients did not use that bathroom. Andrade explained how the transients typically stayed away from the storefront, but civilians sometimes would come to the storefront just to have a conversation. Andrade has let civilians use the restroom in the past.

I showed Andrade a photograph of the rear entryway of the storefront with the rear door open. I showed Andrade another photo that was taken a little bit further into the storefront. I showed Andrade a picture of the bathroom entrance and the microwave sitting on the table. Andrade was familiar with the storefront. I asked Andrade to focus on the photograph with the microwave because it was the location that Andrade indicated [REDACTED] grabbed him. Andrade was standing at the microwave heating up the food for [REDACTED]. The food had been in the fridge and Andrade could not remember what the food was, but said it was leftovers from breakfast at Sunrise Deli.

AB: *So you're standing in front of the microwave heating up the food, um I don't know. I could have sworn on the last time you said that you guys were inside and then she asked to wash her hands. And you showed her where the bathroom was.*

JA: *She asked when I was coming in, if I, she could wash her hands.*

AB: *So she asked when you were coming in if she could wash her hands.*

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JA: Yes.

AA: *Before we get any further, so prior to going back inside, did you guys address the kiss from previous?*

JA: *No sir.*

AA: *Why not?*

JA: *I didn't want to bring it up.*

AA: *Why? If it made you uncomfortable and it was so disgusting, why wouldn't you say what you did was inappropriate? Don't do it again.*

JA: *Cuz I thought it was just a one thing, one time happened. And I wasn't trying to be rude. I wasn't trying to bring it up sir.*

AA: *But wouldn't (Andrade interrupts)*

JA: *I didn't think she was going to do it again. That's why I didn't bring it up.*

AA: *I understand that. But wouldn't you have addressed it if it was so disgusting and inappropriate? I would have, for me personally I would have said that isn't gonna happen again. Don't ever do that again. See what I'm saying? But you didn't address it.*

JA: *I wasn't thinking to say that to her sir. I don't know why I wasn't thinking that. I just didn't.*

AA: *What were you thinking then? That it, everything was good? That it didn't happen?*

JA: *No I was thinking, hey she wants food. I'm gonna give her my leftovers.*

AA: *Okay.*

JA: *I know it's not the mentality you want us to think as deputy sheriffs, sir. But I try to give people the benefit of the doubt.*

AB: *Yeah that part, it's just hard Juan. I'm telling you because she crossed the line based on what you're saying. You have this girl who you've admitted has a drug history. We know she's homeless and you're trying to do something nice and she crosses the line. And now you continue to try and do something nice to her by giving her food, which is kind. Yet now you're going to invite her into a place that's even more private than being outside. Where there's no one to have your back. No one there. It's just you and her alone in a storefront. And you created that situation, is that correct?*

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TO 446

JA: *Yes ma'am.*

AB: *So even though she wanted to wash her hands, what could we have told her?*

JA: *No.*

I asked Andrade detailed questions regarding his contact with [REDACTED] while they were inside the storefront. Andrade's statement changed from his first interview. In his first interview, Andrade stated he was heating up the food for [REDACTED] and had his back to the bathroom. [REDACTED] was washing her hands and when she came out of the bathroom, she grabbed him from behind and tried to turn him around. Andrade did not know if she was trying to kiss or hug him. When asked the same question in this interview, Andrade said, "She tried to kiss me again." Andrade previously stated the only kiss between him and [REDACTED] was the one outside his patrol car behind Little Caesar's. I asked additional specific questions regarding Andrade's contact with [REDACTED] while inside the storefront.

AB: *Was there any contact between you guys during that time, physical contact?*

JA: *Uh, only when she came up and tried to hug me again.*

AB: *Okay that's after the hand washing. But before the hand washing, before you're getting the food, is there any, any contact between you guys during that time?*

JA: *No ma'am.*

AB: *Okay. And then she, did you hear the water turn off?*

JA: *Yes ma'am.*

AB: *Okay. So the water turned off. Where did you think she was?*

JA: *I thought she was drying her hands.*

AB: *Okay. And then she came up behind you and you said that she grabbed you from behind, is that correct?*

JA: *She came around and grabbed me.*

AB: *What do you mean came around?*

JA: *I was, I had my back to her and she just came around and just tried to grab me.*

AB: *Okay. You gotta explain coming around. So was there a gap between you and the table?*

JA: *No I was standing right next to the table by the microwave.*

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TO

AB: *What does come around mean?*

JA: *She kind of like tried to spin me around to try and hug me.*

AB: *You gotta walk me through. Where was she grabbing?*

JA: *She just pulled me and kind of spun me around.*

AB: *Juan and I apologize this isn't going to catch what you're physically doing. So just try, think about report writing. So say it like report writing. What did she do?*

JA: *She grabbed me by the arm.*

AB: *Which arm?*

JA: *My right arm.*

AB: *Okay.*

JA: *She attempted to spin me around and hug me and I just broke away from her, grabbed her food, and walked out of the storefront with her.*

AB: *Okay so she grabbed you by your right arm and tried to spin you around to hug you. How do you know she was going to do that?*

JA: *I don't know what she was trying to do. I just saw her trying to do the same thing she tried to do outside and I just wanted to get out of there.*

AB: *And then in the previous statement you said that you thought she was going to try to kiss you, why?*

JA: *Cuz I could see her coming at me again.*

AB: *Okay what was the, what distance was she from your face?*

JA: *She was literally in front of my face.*

AB: *What other contact physically did you guys have besides her grabbing your arm?*

JA: *I don't know sarge. I was just trying to push her away.*

AB: *On your last statement again, you did say you tried to push her away and it's possible. Do you remember now after thinking about this, where you actually pushed her?*

JA: *I can't remember where sarge. I just remember pushing her away.*

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TO

AB: Okay.

JA: *It could have been in the chest area. It could have been in her abdomen again. I have no idea.*

AB: Okay. So was she able to turn you around?

JA: *I remember. Yeah.*

AB: Okay so physically she was able to turn you around?

JA: Yes.

AB: *I don't understand how that's possible. Just based on, just based on your size. I mean if she weighs, I don't know, [REDACTED] maybe. That she physically was able to turn you around. Did you resist?*

JA: *I thought she was just trying to tell me hey I'm done. I wasn't expecting her to just jump in again. When she grabbed me I just thought she was just trying, just like a sign or a gesture of like hey I'm done. And next thing you know, she's on me again.*

AB: Okay how did she go from gesture of hey, to her being on you?

JA: *It wasn't a gesture of hey. She grabbed me. I thought okay. Turned around and that's when she came at me again.*

AB: Okay. She grabbed your arm and you thought it was her saying hey I'm done and then you turned, so you physically. Because before you said she turned you around. So you turned around on your own?

JA: Mm hmm.

AB: I'm sorry I can't hear Mmm hmm.

JA: *She grabbed me. So I was like okay. So I just turned around and she came at me again and that's when I just pushed her away, grabbed her food and walked out.*

AB: Okay so what I'm hearing now is she grabbed your arm, you thought that was her notice basically telling that she was done washing her hands. You just turned around to face her. So she did not turn you around. You turned around on your own and then she came in again?

JA: Yes ma'am.

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TO 7A

AB: *Okay and then how did she come in again? So at that point then your back is to the table and you're facing her. Correct?*

JA: *Yes ma'am.*

AB: *Okay and then you said she came in again. So did she come in again? Describe that.*

JA: *She tried to grab me and bring me in.*

AB: *And where did she grab you?*

JA: *Both arms. Shoulders.*

AB: *Okay how long did she grab you for?*

JA: *Seconds.*

AB: *And then did she move closer to you?*

JA: *She tried.*

AB: *Okay and that's when you said her face was inches between?*

JA: *Yes ma'am.*

AB: *Like how, two inches?*

JA: *Maybe.*

AB: *Okay did your noses, did anything on your face ever make contact?*

JA: *I think so.*

AB: *Okay so what made contact?*

JA: *The nose.*

AB: *Okay did lips accidentally touch?*

JA: *She tried to kiss me on the lips and I can't, she probably like scraped them and that was it.*

AB: *Okay and I don't want you to say probably because I don't want to misinterpret what you're saying. So just say what you do know. So did her lips touch your lips?*

JA: *Yes.*

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I.A. FILES
TO 4/16

AB: *Okay so describe that to me.*

JA: *Her lips touched my lips and I pushed her away.*

AB: *Okay how long did her lips touch?*

JA: *Not that long. Like just instant. Enough to push her away.*

Andrade pushed [REDACTED] away and cannot remember if he pushed her in the chest or abdomen area. Andrade told [REDACTED] he had to go and [REDACTED] began hinting about needing a hundred dollars to launch her music career. Andrade got the food out of the microwave and handed it to [REDACTED]. Andrade walked out of the storefront and [REDACTED] followed behind him carrying the food.

Andrade admits he never addressed [REDACTED] inappropriate touching. Andrade said he did not want to be rude and just wanted to get out of the situation. Andrade helps many local transients and gives them his food when he can. Andrade said part of the reason was because his station commander gave the deputies a challenge to take on a community project and Andrade picked homeless. Sergeant Aldana asked Andrade why he would take [REDACTED] into a building away from the public after she had inappropriately kissed him. Kowalski objected to the questioning and felt the questioning was getting argumentative and was repetitive. Kowalski believed Andrade had already answered the question. Kowalski believed that Andrade was "getting beat up" regarding the question and felt the questioning was going too far under POBAR.

Andrade admits as a deputy, we typically do not turn our backs to people to prevent being assaulted or attacked. Andrade turned his back to [REDACTED] because she had not closed the door and he was trying to give her some privacy. Andrade did not know if she was going to change her mind and decide to use the bathroom.

I asked Andrade to describe the clothes [REDACTED] changed into behind the storage box behind Little Caesars. Originally, Andrade thought the clothes I showed him during the first interview were the clothes she was wearing during the earlier battery call. After thinking back, Andrade believes the clothes I showed him last time were actually the clothes she got from the cabinet and changed into.

In Andrade's previous statement, he told [REDACTED] that she could "do better than him." When Andrade told [REDACTED] this, Andrade was referring to [REDACTED] Andrade has told other reporting parties they could "do better" than the person they were with. This has occurred during domestic violence types of calls because the victims act as though they are "not worthy." Andrade was trying to reassure [REDACTED] and let her know she was worth something. Andrade did regret telling [REDACTED] he was married, but he wanted her to know he was not available. Andrade said,

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TO 7/18

I didn't think that telling her that I was married was that big of a deal. But looking back, I just wanted her to know that I'm not available. I'm not, I'm not single. I'm not. I don't like people thinking that I have, that I'm out there available or single. I want people to know that I'm married.

During Andrade's previous interview, Andrade said he had never met or seen [REDACTED] prior to March 11, 2017. Andrade reviewed the report he handled on November 22, 2015, when [REDACTED] was the victim of a domestic violence incident. Andrade was primary on the call. Even after reviewing his report, Andrade still did not recall the incident or meeting [REDACTED] at all.

I concluded the interview at 1227 hours with an order not to retaliate and an order not to disclose, both of which Andrade stated he understood.

INVESTIGATION:

On June 12, 2017, I sent a request to Data Services Engineer Esteban Masanis requesting a snapshot of Andrade's email accounts to include March 11, 2017 (the date of the alleged incident) and March 21, 2017 (the date Andrade was placed on administrative assignment). I received the snapshots the following day on June 13, 2017. I reviewed Andrade's e-mail account, which was a snapshot from April 4, 2017.

His e-mail account was mostly professional except for communication between him and an Office Support Specialist, Anita Yescas. Yescas and Andrade were communicating via e-mail in February 2017 and made lunch plans together. The following communication occurred on February 6, 2017:

Andrade wrote, "My normal work days are Wednesday Thursday Friday and Saturday. It's ok if you can't meet. I don't want to get you in trouble with your boyfriend. Lol."

Yescas responded, "Why would I get in trouble.. he knows I owe you lunch.. I told him."

Andrade responded, "Because deputies can get jealous when their hot girlfriend takes another guy to lunch."

Andrade's inappropriate email communication with Yescas contradicts his statement of being happy in his marriage and not wanting people to think he is "available." Andrade calling Yescas a "hot girlfriend" is flirtatious in nature and shows his character.

There were no other e-mails of significance and no communications about the March 11th incident.

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On June 13, 2017, about 1130 hours, I drove to the storefront in Spring Valley and contacted Little Caesars Store Manager [REDACTED] to find out if they own the storage cabinet near the rear entrance of their store. [REDACTED] was not aware of the storage cabinet, so I showed him what cabinet I was referencing. He did not know who owned the cabinet and had never seen clothes in or around the cabinet. Little Caesars located at 9770 Campo Road, is the closest open business near the storage cabinet in the strip mall. The cabinet is actually located between 9772 and 9774 Campo Road, both of which are out-of-business locations. I obtained no further information regarding the storage cabinet.

Submitted by:

ABaggs 8/8/17
Amber Baggs, Sergeant Date

Approved by:

CB 8/8/17
Christina Bavencoff, Lieutenant Date

AMB:amb

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TO FA



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 2 of 13

Witness:

[REDACTED]
Date of Birth: [REDACTED]

Cell #: [REDACTED]

CDL: E [REDACTED]

Home Address: [REDACTED]

Witness:

[REDACTED]
Date of Birth: [REDACTED]

Cell #: [REDACTED]

CDL: [REDACTED]

Home Address: [REDACTED]

SYNOPSIS:

On 03-20-2017, Detective Kluge and I were assigned to conduct follow up in reference to a possible sexual assault involving a Deputy with the San Diego County Sheriff's Department. Detective Kluge and I contacted several witnesses and the reporting party. During the investigation, it was determined no criminal act occurred and the incident was consensual as reported by the reporting party. This investigation was then handed over to the San Diego County Sheriff's Department Internal Affairs Unit for further follow up.

INVESTIGATION:

On 03-20-2017, Sgt. Jones advised me to conduct follow up in reference to a possible sexual assault involving a Deputy Sheriff by the name of Juan Andrade. The initial report came into the Internal Affairs Unit who then gave it to Sgt. Jones for further follow up. The reporting party was [REDACTED] who was homeless in the Rancho San Diego area. [REDACTED] first reported the incident to [REDACTED] who then contacted the Internal Affairs Unit about the incident.

I called [REDACTED] via phone and she agreed to meet with me to talk about the incident. Detective Kluge and I met [REDACTED] in the parking lot of 9809 Campo Road (Starbucks). Prior to talking to [REDACTED], I turned on my issued audio recorder. [REDACTED] entered my vehicle and sat on the front right passenger seat. Detective Kluge was sitting on the rear right passenger seat. I documented [REDACTED] statement while sitting on the driver seat. The following statement is not verbatim. This documentation of [REDACTED] ~~was removed from~~

I.A. FILES

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY [Signature]	TO [Signature]	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 3 of 13

meant to take the place of the actual recorded interview. To hear the full statement, listen to the audio CD which I later gave to the Internal Affairs Unit.

Statement of [REDACTED] (Reporting Party):

[REDACTED] stated she called 911 March 11th, 2017 at about 1237 hours to report an incident with a subject by the name of [REDACTED]. [REDACTED] explained she called 911 because [REDACTED] attacked her. [REDACTED] lives in a tent in the area of Spring Glen Street and Jamacha Blvd. During the incident, [REDACTED] spilled creek water and spit on [REDACTED]. [REDACTED] stated she called the "police" to report the incident.

Law enforcement arrived and conducted a records check on [REDACTED]. [REDACTED] had a warrant and was placed under arrest. After [REDACTED] was placed in the backseat of a patrol car, "Deputy Andrade" pulled [REDACTED] off to the side and away from everyone else. [REDACTED] estimated there were four other deputies on scene but they were away from her and Deputy Andrade. Deputy Andrade spoke to [REDACTED] by Andrade's patrol car. Deputy Andrade asked for [REDACTED] cell phone number just in case he needed to conduct follow up. [REDACTED] gave Deputy Andrade her cell phone number. [REDACTED] also gave Deputy Andrade her mailing address, which is her [REDACTED] home address. Deputy Andrade told [REDACTED] if his partners were not on scene then he would take her to the bushes and make out with her. [REDACTED] did not respond back to Deputy Andrade and she felt embarrassed. Deputy Andrade told [REDACTED] she was attractive and he wanted to take her home but he was married. Deputy Andrade told [REDACTED] his wife was a "bitch" and that they have been married for six years. Deputy Andrade also told [REDACTED] his wife does not give him any affection.

[REDACTED] walked back to her camp area and the deputies left. [REDACTED] later received a phone call from a private number. When [REDACTED] answered the phone the subject on the phone told [REDACTED] it was Deputy Andrade. [REDACTED] showed me the phone call log of all the missed and received phone calls from the private number which [REDACTED] stated were from Deputy Andrade. I later took photographs of the call log and placed the photos onto a CD. I later gave the CD to the Internal Affairs Unit. The phone calls came in at the following times:

March 11 (Sat) 5:13PM for 26 seconds
March 11 (Sat) 4:33PM for 10 seconds
March 11 (Sat) 4:24PM for 29 seconds
March 11 (Sat) 4:10 PM for 6 minutes and 6 seconds

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I.A. FILES
TO AA

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY 	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	-----------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 4 of 13

March 11 (Sat) 3:36 PM for 5 minutes and 44 seconds

March 11 (Sat) at 5:12PM and 5:08 PM were missed calls from a private number.

██████████ stated she never received Deputy Andrade's cell phone number and she does not know it. ██████████ has never text messaged Deputy Andrade nor has he ever text her. Deputy Andrade never left ██████████ any voicemails. When Deputy Andrade called ██████████ and spoke to her several times, she could hear the police radio in the background and she believed Andrade was sitting in his patrol car.

During the above listed phone calls, ██████████ stated Deputy Andrade talked to her about wanting to make out with her and touch her. Deputy Andrade also told ██████████ he had the, "Golden cock." Deputy Andrade continued to talk to ██████████ and spoke about how he was unhappy in his marriage and he was not receiving affection from his wife. ██████████ felt nervous and didn't really know what to say to Deputy Andrade when he spoke to her on the phone. ██████████ stated she knew it was wrong. I asked ██████████ what she meant by, "It was wrong." ██████████ explained it was wrong what Deputy Andrade was doing because he is married and he is a police officer. ██████████ also explained that it is not right for him to cheat on his wife since they are married.

During one of the phone conversations, Deputy Andrade told ██████████ that he wanted to pick her up. ██████████ believes this phone conversation was the one that lasted 6 minutes and 6 seconds (at 4:10 PM). Deputy Andrade told ██████████ he had clothing for her and ██████████ agreed to meet with him and to be picked up. ██████████ met Deputy Andrade on the street by her campsite. When Deputy Andrade arrived, ██████████ willingly entered his vehicle and she sat on the rear right passenger seat. ██████████ described the patrol car as a "crown vic" and not an SUV. ██████████ stated she has seen Deputy Andrade in the past one other time several months ago on a radio call in Lemon Grove. Deputy Andrade did not make any comments to her on that date and time.

Deputy Andrade began to drive ██████████ in his patrol car. ██████████ recalled Deputy Andrade driving past Monte Vista High School and the Chevron gas station. Deputy Andrade then received a radio call of a fire. ██████████ heard the dispatcher tell Deputy Andrade about the fire. Deputy Andrade told ██████████ he just received a radio call of a fire and he began to drive very fast with his lights and sirens. ██████████ saw a fire truck pull over to the side of the road for Deputy Andrade as he drove by. ██████████ then clarified the streets Deputy Andrade had taken her on. ██████████ recalled driving on Jamacha Blvd and then onto Sweetwater Springs. ██████████ then recalled passing a Sheriff substation (on Campo Road).

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REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY TO <i>[Signature]</i>	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	--------------------------------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 5 of 13

Deputy Andrade never responded to the fire with [REDACTED] in the vehicle. Deputy Andrade dropped [REDACTED] off in an alley behind the Sheriff storefront. Deputy Andrade exited the patrol car and Deputy Andrade opened the door for [REDACTED]. [REDACTED] then stood next to the rear left fender of the patrol car and Deputy Andrade faced [REDACTED]. Deputy Andrade then began to kiss [REDACTED] on her mouth with his tongue. Deputy Andrade began to touch [REDACTED] breast and he groped her vagina over her clothing. Deputy Andrade did not make any statements to [REDACTED] but it appeared he was "getting turned on." [REDACTED] recalled Deputy Andrade tell [REDACTED] that his penis was "mine."

[REDACTED] stated she did not want to report the incident but someone was making her report the incident.

[REDACTED] then recalled Deputy Andrade saying he needed to go to the fire and he left the area. Prior to leaving the area, Deputy Andrade told [REDACTED] he would come back because he wanted to give her something to eat. Deputy Andrade left for about 10 to 20 minutes and he came back to the storefront.

Deputy Andrade came back to the storefront and allowed [REDACTED] to come inside the storefront. Deputy Andrade warmed up some food for [REDACTED]. [REDACTED] stated there were no other deputies in the storefront, however there was someone in the alley that saw the entire incident. [REDACTED] then explained there is a business next to the storefront called Fruity Loco. This subject, later identified as [REDACTED], owns the store and was in the alley when Deputy Andrade was kissing [REDACTED]. [REDACTED] did not know the name of [REDACTED] but described him as an Arabic male who was about [REDACTED] years old and lived in [REDACTED]

[REDACTED] explained after Deputy Andrade had dropped her off in the alley, and then left, [REDACTED] approached [REDACTED]. [REDACTED] told [REDACTED] what Deputy Andrade had done and that he was calling her on her cell phone. [REDACTED] knows that [REDACTED] had seen the incident because he had driven into the alley while the incident was occurring. [REDACTED] described [REDACTED] vehicle as an older model [REDACTED]. [REDACTED] knows where [REDACTED] lives because she later went to his house that same day. [REDACTED] stated [REDACTED] lives in [REDACTED] and she recalled him taking her to his house, which is by [REDACTED]. [REDACTED] explained she worked inside [REDACTED] business for three hours but was never paid for her work. [REDACTED] invited [REDACTED] to his house and she agreed to go with him.

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TO [REDACTED]

I then began to ask [REDACTED] about what occurred inside the storefront with Deputy Andrade. [REDACTED] stated when she walked into the storefront there was food in a styrofoam container.

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY [REDACTED]	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	---------------------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 6 of 13

described the food as "left overs" from breakfast. There were eggs, beans and meat. Deputy Andrade warmed up the food and gave it to . After ate the food, Deputy Andrade began to kiss on the mouth and neck. Deputy Andrade then reached under shirt and began to touch her breast with his hand (skin to skin). then corrected the statement and stated he was, "touching my nipples." I asked if she ever told Deputy Andrade, "no" and she stated "no." Deputy Andrade asked if she was, "Okay" with the situation. told Deputy Andrade that she was, "Alright". explained she felt weird and uncomfortable about the situation because she thought they might get caught inside the storefront by someone. estimated she was inside the store front for about 20 minutes. I then confirmed with that Deputy Andrade had asked her if she was okay with the situation and she stated, "Yeah."

explained the whole situation felt "wrong" because Deputy Andrade was married and they were inside a Sheriff facility. Detective Kluge asked follow up questions and stated during the incident inside the storefront, Deputy Andrade had placed her hand on his erect penis, over his clothing. Deputy Andrade also rubbed vagina over her clothing.

Deputy Andrade told he needed to end his shift and he left the building. told Deputy Andrade that she was going to go, "next door" and she has not heard from Deputy Andrade since.

I asked further follow up questions about . stated she told what occurred between her and Deputy Andrade inside the storefront. did not respond back to statement. explained she hung out with at his house and he allowed her to take a shower. parents also live in the house with him. stated had given her a massage but nothing sexual occurred between the two. later dropped off at his store at about 2300 hours. believe lives on but did not recall the exact name of the street.

I.A. FILES
TO

Detective Kluge asked if she has seen any Sheriff Supervisors since March 11th. stated yes and she described what a Sheriff Supervisor was (three stripes on shoulders). stated the Sheriff's Department stalks her and follows her wherever she goes. estimated she has seen about 100,000 Sheriff Supervisors drive past her since March 11th. Detective Kluge asked why she did not report the incident and she stated, "Um, I don't know." then stated she has a lot of followers on social media because she is a famous singer. estimated she has 11 million followers and she

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY 	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	-----------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 7 of 13

sings into her cell phone and she is famous (via Google application). When asked again if [REDACTED] has even seen Deputy Andrade before, [REDACTED] stated she saw him about two months ago on a radio call but he never made any advancements toward her.

I asked [REDACTED] to describe the storefront she walked into with Deputy Andrade. [REDACTED] stated she only had to walk a few feet from the alley to enter the building. I had [REDACTED] draw an overhead drawing of the storefront. I later gave the drawing to the Internal Affairs Unit. [REDACTED] explained she has never been inside the storefront before. In the past, when she was arrested, she was always taken to the Lemon Grove Station.

I asked [REDACTED] if she still had the clothing she was wearing on the day of the incident. [REDACTED] stated it was at a different camp site and she had not washed the clothing. [REDACTED] stated she was wearing a blue striped shirt and yoga pants with a pink stripe up the side.

I asked [REDACTED] who she had told about the incident. [REDACTED] stated she told [REDACTED] about the incident after he was released from jail and also her friend [REDACTED] also told [REDACTED] about the incident and she helped [REDACTED] report the incident.

[REDACTED] explained [REDACTED] had over heard one of the phone conversations between her and Deputy Andrade. [REDACTED] was sitting next to [REDACTED] inside a tent when the phone call occurred. [REDACTED] believes [REDACTED] heard Deputy Andrade say the statement about the "Golden Cock." [REDACTED] told [REDACTED] who had just called her.

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I.A. FILES
TO AA

Investigation Continued:

I asked [REDACTED] if I could take her cell phone for evidence and to download the contents of her phone. [REDACTED] agreed and she gave me her cell phone. [REDACTED] told me her cell phone provider was with Metro PCS. I told [REDACTED] I would give her back the cell phone tomorrow. [REDACTED] then showed Detective Kluge and I where her temporary camp site was located.

After about a 15 second drive, we located the camp in an alley way on [REDACTED]. Upon arrival, I exited my car and Detective Kluge and I walked with [REDACTED] down an alley to a homeless camp site. Without my knowledge, my audio recorder had turned off due to "low battery." Once we reached [REDACTED] camp site, she gave me a shirt she was wearing at the time of the incident. [REDACTED] did not know where her bra was located nor did she find the

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY 	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	-----------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 8 of 13

pair of pants she was wearing during the incident. [REDACTED] then stated she had forgotten to tell me she had changed her pants in the alleyway when Deputy Andrade had left. The reason why [REDACTED] had changed her pants was because the ones she was wearing were dirty. [REDACTED] gave me a pair of pants for evidence. [REDACTED] stated these pants were the pants she was wearing when she entered the storefront with Deputy Andrade.

I asked [REDACTED] if she ever felt forced to touch Deputy Andrade or if he ever forced himself on to her. [REDACTED] stated, "No." I asked [REDACTED] if she ever felt fearful during the incident or if she had to let Deputy Andrade touch her and she stated, "No." [REDACTED] stated the incident was consensual but did feel "weird" and "guilty" because Deputy Andrade was a married man.

After collecting the clothing and I was walking back to the street with Detective Kluge and [REDACTED], I noticed my recorder was turned off due to low battery. I removed the battery and then placed the battery back in its slot. I then turned on the recorder and explained why the recorder had turned off and that I was now starting a new recording. The recording then recording the end conversation between [REDACTED] and I. I told [REDACTED] I would give her cell phone back to her by the end of tomorrow and that detectives would be contacting her on a later date and time.

Detective Kluge and I left the area and then drove to the storefront to conduct follow up. I took photographs of the alley and storefront. I later gave the photos to the Internal Affairs Unit. I noticed the drawing [REDACTED] had given me of the interior of the storefront had been somewhat accurate. The bathroom, microwave and back door were accurate on her drawing when compared to the storefront's layout.

Detective Kluge and I walked the area for video surveillance cameras and were unable to locate any working/recording cameras. I called Lt. Magana via phone and he told me there were not video cameras at the storefront. I spoke to an employee at Metro PCS store which is located a few businesses away from the storefront. The employee told me customers who have their phone services through Metro PCS do not have phone bills or phone records. Customers pay month to month and there is no way to get a call log record through the company. I thanked the employee for their time and I left the store. I spoke to a store employee at Ray's Liquor store which is located next to the Fruity Loco. The employee advised me the owner's name of the business is [REDACTED]. I thanked the employee for his time and I left the store.

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TO AA

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY <u>AA</u>	DATE REVIEWED 3/27/17
-----------------------------	---------------	---------------------------------------	--------------------------	--------------------------



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 9 of 13

Detective Kluge and I left the area and I placed the clothing into a temporary locker at the Rancho San Diego Station. I later told the Internal Affairs Unit about the evidence locker and they took custody of the clothing. This concluded my investigation on this date and time.

On 03-21-2017, Detective Kluge and I had [REDACTED] cell phone downloaded and the contents were placed onto a thumb drive. I later gave the thumb drive to the Internal Affairs Unit.

On 03-21-2017, at about 1058 hours, Detective Kluge, Detective Meza, Detective Brannan and I walked to the homeless campsite where [REDACTED] had been staying. We were attempting to contact [REDACTED] and [REDACTED]. Deputy Campagna and Deputy Walker assisted us by locating the camp due to the fact they had knowledge of the area. I spoke to [REDACTED] and documented his statement. [REDACTED] stated [REDACTED] was not at the camp and he was the only person on site. I recorded the conversation with my issued recorder. The following statement is not verbatim. This documentation of [REDACTED] statement is not meant to take the place of the actual recorded interview. To hear the full statement, listen to the audio CD which I later gave to the Internal Affairs Unit.

I spoke to [REDACTED] by himself and away from the other detectives and deputies. Only Detective Kluge was present during the interview.

Statement of [REDACTED]

[REDACTED] stated [REDACTED] had called 911 on him during an argument. The date was March 11th. [REDACTED] explained [REDACTED] is not liked in the area and he hates her. [REDACTED] told [REDACTED] she cannot be at his camp and to leave. [REDACTED] called 911 and about thirty minutes later five deputies arrived.

[REDACTED] saw one of the Deputies was Deputy Andrade. [REDACTED] stated he has dealt with Deputy Andrade in the past and does not like him. [REDACTED] was subsequently arrested for having a warrant and was walked to a patrol car by Deputy Andrade. Deputy Andrade placed [REDACTED] inside the car and he turned on the air condition. Deputy Andrade then walked away from the car. While sitting in the patrol car, [REDACTED] saw Deputy Andrade talk to [REDACTED]. There was no one else around Deputy Andrade and [REDACTED]. [REDACTED] could not hear what the two were saying. [REDACTED] stated Deputy Andrade and [REDACTED] were talking in front of the car he was sitting in.

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REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY 	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 10 of 13

██████████ stated at first, it looked as if ██████████ was talking to Deputy Andrade about the radio call based on both of their facial expressions and their body language. However, after several minutes, it appeared Deputy Andrade was flirting with ██████████ because ██████████ began to blush and both of them were smiling. ██████████ stated it looked like Deputy Andrade was hitting on ██████████ ██████████ never saw Deputy Andrade or ██████████ touch each other.

██████████ has known ██████████ for about fifteen years and he cannot stand her. ██████████ has mental problems and is delusional. ██████████ had one of ██████████ friend's arrested for a charge he did not commit. In the past, ██████████ made claims that he was the one who got her kids taken away from her, which is not true. ██████████ would make random statements that are not correct. ██████████ gave an example about how ██████████ stated an ambulance driver took her children away from her when that never occurred.

██████████ was released from jail on St. Patrick's Day, which was Friday the 17th. That was when he saw ██████████ and she told him what had occurred between her and Deputy Andrade. ██████████ stated he has "slept" with ██████████ since he was released from jail.

██████████ stated his friend, ██████████ had told him that he had overheard a phone conversation between Deputy Andrade and ██████████. During that conversation, ██████████ heard Deputy Andrade hitting on ██████████ and ██████████ heard Deputy Andrade use the term, "Golden dick." ██████████ also told ██████████ that the deputy had picked up ██████████ from the camp.

██████████ became upset while giving the statement and stated it was not right that a deputy was hitting on ██████████ and had picked her up from the camp site. ██████████ does not believe on duty deputies should be doing that and Deputy Andrade was not doing his job.

██████████ later approached ██████████ and told him what had occurred between her and Deputy Andrade at the storefront. ██████████ told ██████████ she had gone into a substation with Deputy Andrade and he had responded to a fire call with her in the car. Deputy Andrade dropped off ██████████ at the substation and he left to go to the fire call. Deputy Andrade later returned to the substation and gave ██████████ food, which was already inside the substation. ██████████ told ██████████ that Deputy Andrade wanted to "get with her." ██████████ stated ██████████ was walking around the camp acting, "like she's some hot chick." ██████████ thought ██████████ was bragging to everyone about the incident.

██████████ recalled ██████████ telling him that Deputy Andrade had been married for six years and that he was having problems with his wife. ██████████ told ██████████ that the

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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 11 of 13

Deputy had [REDACTED] pat him down on the pants and that she crossed, "The thin blue line". [REDACTED] did not know what [REDACTED] meant by the thin blue line. [REDACTED] told [REDACTED] that the deputy had placed his hands on her breast and her vagina. This all occurred over the clothing. [REDACTED] also told [REDACTED] that she felt Deputy Andrade's "package" over his clothing and this all occurred inside the substation.

[REDACTED] stated there were no other people that overheard the phone call between [REDACTED] and Deputy Andrade other than [REDACTED]. [REDACTED] has not seen Deputy Andrade since his arrest.

I ended my interview with [REDACTED] and I turned off my recorder. Moments later, I recalled I needed to ask [REDACTED] a few more questions. I then turned on my audio recorder and recorded the incident. I asked [REDACTED] based on [REDACTED] statement to him did he think the incident between her and Deputy Andrade was consensual. [REDACTED] stated he felt the incident was consensual however Deputy Andrade should not be acting that way on duty. [REDACTED] believes Deputy Andrade is a, "Rouge Cop." [REDACTED] is concerned about getting retaliated against by other deputies for telling on Deputy Andrade. I told [REDACTED] if he felt as if he was being targeted to contact a supervisor at the station.

I thanked [REDACTED] for his time and I left the area with Detective Kluge.

Investigation Continued:

Later that day, I spoke to [REDACTED] via phone and he agreed to meet with Detective Kluge and I. Detective Kluge and I met with [REDACTED] in La Mesa and Detective Kluge documented his statement. See Detective Kluge's report for further details.

After conducting some research, I was able to locate a phone number for [REDACTED]. I called the number and I introduced myself to [REDACTED]. [REDACTED] stated he did own a Fruity Loco next to the Sheriff storefront on Campo Road. However, [REDACTED] was extremely hesitant to talk me about anything. I told [REDACTED] that I would like to meet with him in person to obtain a witness statement. [REDACTED] was hesitant to meet with me and began to give excuses on why he did not want to meet with me. I quickly turned on my audio recorder and placed [REDACTED] on speaker phone to record or phone conversation. This documentation of [REDACTED] statement is not meant to take the place of the actual recorded interview. To hear the full statement, listen to the audio CD which I later gave to the Internal Affairs Unit.

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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Event Number E4037404

Page 12 of 13

Statement [REDACTED]

I told [REDACTED] that a female had reported that he was a witness to an incident that occurred behind his business in the alleyway. This incident occurred between a deputy and a female and the incident occurred on March 11th. [REDACTED] stated he never witnessed anything like that before. I asked [REDACTED] if he was working at his business on March 11th at about 1600 hours. [REDACTED] stated he did not recall if he worked that day but he never saw, "Nothing like that."

[REDACTED] confirmed he is the owner of the Fruity Loco business, which is located next to the Sheriff storefront. I asked [REDACTED] if he has ever seen a deputy and a female engaging in a conversation in the alleyway behind his business. [REDACTED] stated, "No." I asked [REDACTED] if he has ever allowed for a homeless woman to work inside his business for a couple of hours and he replied, "No." I then asked [REDACTED] if he has ever taken a women home and allowed her to take a shower at his house and he stated, "No." I asked [REDACTED] where he lived and he stated [REDACTED]

I asked what type of vehicles [REDACTED] drives and he stated he has a [REDACTED]. One is a [REDACTED] and one is a [REDACTED]

Deputy Kluge asked [REDACTED] if he has ever seen a deputy and a women hugging or kissing each other in the alley way and [REDACTED] stated, "No."

I thanked [REDACTED] for his time and I ended the conversation.

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Investigation Continued:

Detective Kluge and I later met with [REDACTED] and Detective Kluge documenter her statement. See Detective Kluge's report for further details. After speaking with [REDACTED], Detective Kluge and I met with [REDACTED] at the same Starbucks we had met her the day prior to give her cell phone back. I saw Detective Kluge give [REDACTED] her cell phone and we later left the parking lot.

On 03-22-2017, at about 1130 hours, Sgt. Jones advised me [REDACTED] had contacted the San Diego Police Department, Internal Affairs Unit. [REDACTED] told the San Diego Police Department she never received her phone back from the detectives.

I then called [REDACTED] on her cell phone (the same phone we had given her the day prior) and spoke to her. I confirmed with [REDACTED] that she had received the phone back from

REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY <i>[Signature]</i>	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION


Event Number E4037404

Page 13 of 13

Detective Kluge and I. [REDACTED] stated she had received the phone back from me and it was the same phone she was now talking to me on. I thanked [REDACTED] for her time and told her to contact us if she had any questions. I recorded the conversation with the Konexx recording system. To hear the full phone call, listen to the audio CD which I later gave to the Internal Affairs Unit.

This concluded my portion of the investigation.

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REPORTED BY M. Carpenter	ARJIS 7021	STATION / DIVISION Sex Crimes Unit	REVIEWED BY 	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 1 of 9

JE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)			INCIDENT DATE	
Detective Follow Up Investigative Report			Event #E4037404	
LOCATION OF INCIDENT			BEAT	
10400 block of Jamacha Boulevard, Spring Valley, Ca. 91977			623	
Detective	ARJIS	STATION / DIVISION	DATE OF FOLLOW-UP	
Howard Kluge	5982	CID-CAU	03/20/17	
PRIMARY VICTIM'S NAME		PRIMARY SUSPECT'S NAME	SUSPECT'S DOB / AGE RANGE	
[REDACTED]		Juan Andrade	[REDACTED]	

Victim:

[REDACTED]
Date of birth: [REDACTED]
Cell #: [REDACTED]
SSN: [REDACTED]
CDL: [REDACTED]
Home Address: [REDACTED]

Witness:

[REDACTED]
Date of Birth: [REDACTED]
Cell #: [REDACTED]
SSN: [REDACTED]
L: [REDACTED]
Home Address: [REDACTED]

Witness:

[REDACTED]
Date of Birth: [REDACTED]
Cell #: [REDACTED]
SSN: [REDACTED]
CDL: [REDACTED]
Home Address: [REDACTED]

Witness:

[REDACTED]
Date of Birth: [REDACTED]
Cell #: [REDACTED]
CDL: [REDACTED]
Home Address: [REDACTED]

Witness:

[REDACTED]
Date of Birth: [REDACTED]
Cell #: [REDACTED]
L: [REDACTED]
Home Address: [REDACTED]

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Howard Kluge	5982	CID-CAU	<u> </u> #2400, Sgt.	3/27/17



SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No. 00000000

Page 2 of 9

Synopsis:

On March 20, 2017 Detective Matt Carpenter and I were assigned to investigate an allegation of sexual contact between a female named [REDACTED] and an on duty San Diego County Sheriff's, (SDSO) Deputy named Juan Andrade. The incident reportedly occurred on March 11, 2017 in the community of Spring Valley. During the investigation, I obtained the global positioning system, (GPS) data from Deputy Andrade's patrol vehicle and the San Diego Sheriff's Department Computer Aided Dispatch, (CAD) records from Deputy Andrade's patrol shift. The GPS data and CAD records covered his entire shift. I also interviewed witnesses named [REDACTED] and [REDACTED], and assisted with the interviews of [REDACTED], [REDACTED], and [REDACTED]. All interviews were recorded. I had the cell phone belonging to [REDACTED] forensically downloaded. The clothing worn by [REDACTED] during a portion of her interaction with Deputy Andrade was collected as well. The information that we obtained during the investigation was shared with Sergeant Ken Jones, Sergeant Patrick Shannon, Sergeant Dustin Lopez, Lieutenant Dan Brislin, and Captain William Donahue. Our investigative reports and the evidence we collected were then turned over to the SDSO Internal Affairs Unit.

Investigation:

On March 20, 2017 Detective Matt Carpenter and I were assigned to investigate an allegation of sexual contact between a female named [REDACTED] and an on duty San Diego County Sheriff's, (SDSO) Deputy named Juan Andrade. The incident reportedly occurred on March 11, 2017 in the community of Spring Valley. [REDACTED] had called 911 that day to report she was battered by a male named [REDACTED] at their homeless encampment near 10400 Jamacha Boulevard. Deputy Andrade, along with other deputies arrived to investigate the incident. [REDACTED] was arrested for a warrant and taken to jail. Deputy Andrade flirted with [REDACTED] and told her she was attractive and he wanted to make out with her. Deputy Andrade obtained [REDACTED] cell phone number and told her to go back to her encampment. Deputy Andrade called [REDACTED] several times that day and stated he wanted to pick her up. Deputy Andrade picked up [REDACTED] and while they were driving he received a radio call of a fire. Deputy Andrade dropped [REDACTED] off in the alley behind the Rancho San Diego Station, fondled her, and then left to respond to the fire. Deputy Andrade later returned to the station and met up with [REDACTED] and gave her some food to eat.

I began my investigation by reviewing the San Diego Sheriff's Department Computer Aided Dispatch, (CAD) records from Deputy Andrade's entire patrol shift. I verified that Deputy Andrade was working on March 11, 2017 and was assigned to day shift patrol, (60P3A). I read in the CAD reports that on March 11, 2017 at 1246 hours, Deputy Andrade received a radio call, (CAD Event #E4013235) of a battery involving [REDACTED] and a male named [REDACTED]. The location of the call was a homeless encampment near the 10400 block of Jamacha Boulevard in Spring Valley. Deputy Andrade was assisted on the call by Deputies Michael Alcarion, (60P1A), Eric Mitchell, (60P15A), and Raul Jimenez, (60Z1A). During the investigation into the incident, [REDACTED] was arrested, (SDSO CN#17112848) by Deputy Andrade for a warrant and [REDACTED] was taken to San Diego Central Jail by Deputy Jimenez.

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REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY 	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 3 of 9

On March 11, 2017 at 1637 hours, Deputy Andrade received a radio call, (CAD Event #E4013595) to assist the fire department with an oven fire at a residence located at 9109 Kenwood Drive #25 in Spring Valley. Deputy Michael Alcarion (60P1A) and Deputy Kyle Starke (60P7A) also responded to the call. The CAD reports suggested [REDACTED] had been truthful about her meeting Deputy Andrade that day and truthful about knowing he responded to a fire call hours later. I then contacted Mervin Maniago, who was a senior information technology engineer, assigned to the San Diego Sheriff's Department Data Services Division. I requested the global positioning system, (GPS) data from Deputy Andrade's patrol vehicle for his entire shift on March 11, 2017.

Detective Carpenter then spoke with [REDACTED] by telephone and she agreed to meet with us outside the Starbucks at [REDACTED]. We drove to the Starbucks and met with [REDACTED]. We had her sit inside our vehicle so we could interview her in privacy and without disruption from noise. The interview was conducted by Detective Carpenter and I also assisted. The interview was recorded, (See report by Detective Carpenter for details). Detective Carpenter and I learned from the interview with [REDACTED] that Deputy Andrade had asked for and obtained her cell phone number during the investigation into the battery. Later the same day, [REDACTED] received seven phone calls from Deputy Andrade. The telephone number was blocked so it didn't show up on her cell phone display.

Deputy Andrade stated he was attracted to [REDACTED], that he had a "Golden cock," and he wanted to nick her up. Deputy Andrade ended up meeting with [REDACTED] on Spring Glen Lane as it intersected Jamacha Boulevard. The location was across the street from her homeless encampment, (10400 block of Jamacha Boulevard). Deputy Andrade had [REDACTED] sit in the back seat of his patrol sedan and they drove eastbound on Jamacha Boulevard and then northbound onto Sweetwater Springs Boulevard. They passed by Monte Vista High School and there was a radio call of a fire.

Deputy Andrade drove very fast towards the fire with his emergency lights and siren on. However, before going directly to the fire he drove to the SDSO storefront located at 9736 Campo Road in Casa De Oro and dropped her off in the alley behind the storefront. While dropping [REDACTED] off he kissed her mouth and neck and told her he would get her some food. The interaction was seen by an Arabic male who owned the Fruity Loco store located in the same strip mall as the SDSO storefront on Campo Road. Deputy Andrade then left to respond to the fire call and he came back to [REDACTED] about twenty minutes later.

I.A. FILES
TO [REDACTED]

Deputy Andrade and [REDACTED] entered the SDSO storefront and he gave her some food and clothing to change into. Deputy Andrade told [REDACTED] that he had a "Golden cock," and he grabbed her hand, placed it on his penis outside his clothing, and told her his penis belonged to her. Deputy Andrade fondled one of [REDACTED] breast nipples underneath her clothing, grabbed her vagina outside her clothing, and kissed her mouth and neck. Deputy Andrade stated he had to leave because his shift was ending and he escorted [REDACTED] outside the storefront and he drove off. [REDACTED] said it was just beginning to get dusk outside when Deputy Andrade drove off. [REDACTED] stated none of the sexual behavior was forced upon her verbally or physically by Deputy Andrade. We also learned that a male named [REDACTED] had overheard some of the telephone conversation between [REDACTED] and Deputy Andrade. [REDACTED] lived in the same homeless encampment as [REDACTED] and [REDACTED].

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY [Signature]	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 4 of 8

█████ gave us permission to take her cell phone and have it forensically downloaded as evidence in the case.

Detective Carpenter and I relayed the information to Sergeant Ken Jones. There was a technical issue with me being able to review the GPS data from Deputy Andrade's shift so I made arraignments to review it the following day. Detective Carpenter and I walked around the entire strip mall where the SDSO storefront was located to see if the location had any cameras. We contacted the owner of Rays Market, (9762 Campo Road) and an employee at Metro PCS, (9758 Campo Road). We learned the camera outside the front of Rays Market only kept recordings for 24 hours and then re-recorded. The Metro PCS camera that faced the front, outside portion of the store didn't record. Lieutenant Magana told us the SDSO storefront had no video surveillance cameras. I noted the SDSO storefront could be accessed in the alley way via a keyed entry pad and in the front by a key.

On March 21, 2017 I contacted Senior Crime and Intelligence Analyst Jeffrey Vandersip and asked him to forensically download the cell phone belonging to █████. I did not discuss my investigation or the reason for my request with Vandersip. I then viewed the GPS data from Deputy Andrade's patrol sedan and I compared it with the information in the CAD reports and what I had learned from speaking with █████. I saw that on March 11, 2017 at 16:30:51 hours, the patrol sedan driven by Deputy Andrade was sitting idle, (0 MPH) on Spring Glen Lane just west of Jamacha Boulevard. At 16:37:29 hours Deputy Andrade received a radio call to assist the fire department with an oven fire at 9109 Kenwood Drive #25 in Spring Valley. At 16:37:38 hours Deputy Andrade's patrol sedan was headed southbound on Sweetwater Springs Boulevard at 27 MPH. The patrol sedan continued northbound on Sweetwater Springs Boulevard at speeds of 56 MPH, (16:38:07 hours), 62 MPH, (16:38:22 hours), 67 MPH (16:38:37 hours), and 44 MPH (16:38:53 hours). Sweetwater Springs Boulevard eventually becomes Campo Road shortly after crossing underneath Highway 94.

At 16:39:07 hours the patrol sedan was now on Campo Road and travelling 69 MPH. The sedan drove westbound on Campo Road at 16:39:22 hours at 56 MPH. The sedan then headed northbound on Bonita Street at 16:39:41 hours at 19 MPH. The sedan then turned eastbound onto San Juan Street at 16:41:47 hours at 21 MPH. San Juan Street was the alleyway that ran directly behind the SDSO storefront located at 9736 Campo Road. At 16:42:28 hours the sedan was travelling southbound on Kenwood Drive at 50 MPH. The patrol sedan continued on Kenwood Drive at 16:42:42 hours at 67 MPH. At 16:43:21 hours the sedan arrived at the location of the fire radio call. The sedan remained at the location and idle.

While at the scene of the fire call, Deputy Andrade cleared himself from the call and received a radio call, (Event #E4013603) of an argument at 9210 Kenwood Drive. The location was within walking distance of the fire call he was previously on. The patrol sedan continued to remain idle, (0 MPH). The patrol sedan didn't begin moving again until 17:09:32 hours and then headed northbound on Kenwood Drive at 24 MPH. The sedan turned eastbound on Campo Road at 17:10:21 hours at 16 MPH. At 17:12:04 hours the sedan was on San Juan Street directly behind the SDSO storefront and sitting idle (0 MPH). The sedan remained idle at the storefront location. Deputy Andrade cleared himself from the argument call at 17:32:16 hours. At 17:32:52 hours he received a radio call, (Event #E4013663) of a welfare check at 8627 Troy Street. At 17:33:02 hours the sedan began travelling westbound on San Juan Street and then continued westbound onto Campo Road and then southbound onto Kenwood

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY <i>[Signature]</i>	RELEASED FROM I.A. FILES	DATE REVIEWED 3/21/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No. 00000000

Page 5 of 9

Drive. Based on the GPS data, [REDACTED] appeared to be telling the truth when it came to her statement of being picked up on Spring Glen Lane and Jamacha Boulevard and then travelling very fast in Deputy Andrade's patrol car while going to a radio call of a fire. The GPS data also supported [REDACTED] statement that she was driven to the alley behind the SDSO storefront, dropped off, and Deputy Andrade left and continued on to the fire call. The GPS data supported [REDACTED] statement that Deputy Andrade returned to the SDSO storefront about twenty minutes later.

On March 21, 2017 Detective Carpenter and I drove to the homeless encampment on Jamacha Boulevard and made contact with [REDACTED]. Detective Carpenter and I interviewed [REDACTED] and the conversation was recorded, (See report by Detective Carpenter for details). [REDACTED] was only present during the investigation that led to his arrest by Deputy Andrade. However, he stated after he was released from jail on March 17, 2017 he spoke with [REDACTED] and [REDACTED] and learned several things. [REDACTED] told him he had overheard a cell phone conversation between [REDACTED] and a male. The male was being flirtatious with [REDACTED] and told her he had a golden cock or something to that effect.

The male wanted to meet up with [REDACTED]. [REDACTED] said the male on the phone was Deputy Andrade and he ended up picking her up later that day. Deputy Andrade then drove around with [REDACTED], responded to a fire call with her in his patrol vehicle, dropped her off at an SDSO storefront, continued on to the fire call, and then met back up with [REDACTED]. Deputy Andrade reportedly touched the breast and vagina region of [REDACTED] and he had her touch his penis while telling her his penis 'onged to her. [REDACTED] said he did see Deputy Andrade speaking with [REDACTED] during the investigation that led to his arrest. [REDACTED] was sitting in the back seat of a patrol vehicle so he couldn't hear any of the conversation. However, Deputy Andrade appeared to be flirting with [REDACTED] as she was seen blushing. [REDACTED] didn't see any physical contact between Deputy Andrade and [REDACTED]

During our conversation with [REDACTED] he made it clear that he didn't like Deputy Andrade because he was always arresting him. [REDACTED] also made it clear that he didn't care for other un-named deputies who worked the Spring Valley area. [REDACTED] attempted to contact [REDACTED] via cell phone at our request, but he didn't answer and his voice mail wasn't working. We later called [REDACTED] and he agreed to meet with us at [REDACTED]. When we met with [REDACTED] we had him sit in our vehicle so we could speak with him in privacy and have no disruptions from noise. I interviewed [REDACTED] and the conversation was recorded.

Statement of [REDACTED] (Witness):

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[REDACTED] told me he did have knowledge of the investigation we were conducting. [REDACTED] said he was present during two cell phone calls conversations involving [REDACTED] and an unknown male. One of the cell phone conversations was brief and the other conversation was longer in time. Both telephone calls had the appearance of being generated by the male. The conversations took place at the homeless encampment and there was no else present at the time. [REDACTED] held her cell phone away from her ear so [REDACTED] could hear it. [REDACTED] described the male as having a flirtatious conversation with [REDACTED]. [REDACTED] couldn't recall most of the words that were spoken during the

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY <u>12</u>	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 6 of 9

Conversation, but he did recall the male saying he had a "Golden rod," and that he wanted to pick up [REDACTED]. The male wanted to meet with [REDACTED] on a street called Pointe Parkway, (Located one street east of Spring Glen Lane). About 20-30 minutes after the cell phone conversations [REDACTED] left the encampment and walked towards the street. [REDACTED] didn't see anyone pick up [REDACTED] as the roadway wasn't visible from their encampment. [REDACTED] said he never saw [REDACTED] dropped back off by a SDSO patrol vehicle either. [REDACTED] was gone from the encampment for a lengthy time.

Additionally, [REDACTED] said he overheard [REDACTED] telling the male she had worldwide fans. [REDACTED] explained that [REDACTED] had a cell phone application on her phone involving a signing game. [REDACTED] believed the game was reality and she really had many people following her on the signing application. During the conversations, [REDACTED] told [REDACTED] that the male on the phone was a deputy. [REDACTED] told him it was the short deputy named Andrade, who arrested [REDACTED] earlier in the day. [REDACTED] said he was present at the encampment when [REDACTED] was arrested so he knew who she was taking about. [REDACTED] had told him earlier that Deputy Andrade had flirted with her during the arrest of [REDACTED] and said he wanted to take her into the bushes, which she understood as him wanting to have sex with her. [REDACTED] said he didn't believe [REDACTED] until he heard the two cell phone conversations.

[REDACTED] later told him that Deputy Andrade had picked her up on Spring Glen Lane when she left the encampment. [REDACTED] stated while she was with Deputy Andrade he had driven really fast with his lights and siren on and even a fire engine had pulled over for them. They were driving somewhere near Highway 94 in Case De Oro at the time. Deputy Andrade then dropped [REDACTED] off at the SDSO storefront in Case De Oro and he drove off. Deputy Andrade returned about twenty minutes later and they went inside the storefront. Deputy Andrade then kissed [REDACTED] placed her hand on his groin and told her that was her dick or cock, he felt her breasts or nipples, and he gave her some clothing from a filing cabinet. [REDACTED] wasn't sure if [REDACTED] told him that information over the cell phone or in person. [REDACTED] never told him that Deputy Andrade forced her to do any of the above intimate acts. [REDACTED] never stated she had sexual intercourse with Deputy Andrade during their interaction.

Investigation (Con't):

[REDACTED] had overheard a cell phone conversation that he described as flirtatious. The conversation was between [REDACTED] and a male she said was Deputy Andrade. The male made statements about having a "Golden rod" and that he wanted to meet with [REDACTED] [REDACTED] did not see Deputy Andrade and [REDACTED] meet up, but she did leave their encampment and walk towards the street. We then made contact with the owner of the Fruity Loco business located in the same strip mall as the SDSO storefront. The name of the owner was [REDACTED]. [REDACTED] was very evasive and wouldn't agree to meet with us until around 2300 hours that night. [REDACTED] said he would speak with us now over the phone. Detective Carpenter recorded his interview with [REDACTED], (See report by Detective Carpenter for details). [REDACTED] denied seeing any interaction between a male deputy and a female in the alleyway behind the SDSO storefront, he denied employing a female for three hours at his business, he denied driving a female to his home to use the shower, and he denied driving a female from his home back to his business on March 11, 2017.

RELEASED FROM

I.A. FILES
TO [REDACTED]

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY [REDACTED]	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 7 of 9

We drove back to our office and when we arrived I began reviewing the contents of [REDACTED] cell phone data as it had been successfully downloaded. The call log showed she received seven incoming telephone calls from a blocked number, (Not displayed). The first call was at 15:46:55 hours and lasted 5 minutes and 44 seconds. The second call was at 16:10:10 hours and lasted 6 minutes and 6 seconds. The third call was at 16:24:22 hours and lasted 29 seconds, the fourth call was at 16:33:11 hours, and lasted 10 seconds. The fifth and sixth calls were missed calls. The seventh and final call was at 17:13:29 hours and lasted 26 seconds. [REDACTED] had stated that Deputy Andrade had first called her at 1546 hours. The seventh and last call made to [REDACTED] cell phone above coincided with the time (17:12:04 hours) frame that Deputy Andrade arrived back at the SDSO storefront on Campo Road according to his patrol sedans GPS records. This information seemed to also support the statements given to us by [REDACTED]

Detective Carpenter telephoned [REDACTED]. [REDACTED] was the person who had first contacted the SDSO Internal Affairs Unit and reported the allegations. [REDACTED] agreed to meet with us at her home in [REDACTED]. We drove to the location and met with [REDACTED]. My interview with [REDACTED] was recorded.

Statement of [REDACTED] (Witness):

[REDACTED] told me she did have knowledge of the investigation we were conducting. [REDACTED] said on either March 14th or 15th, 2017 [REDACTED] and [REDACTED] came over to her home. [REDACTED] told [REDACTED] that she needed to speak with [REDACTED] about his arrest. [REDACTED] asked why and [REDACTED] insisted it she speak with [REDACTED]. [REDACTED] told [REDACTED] that when [REDACTED] was being arrested by Deputy Andrade, [REDACTED] didn't recall the deputy's name at the time), he separated her from the rest of the people at the scene and asked [REDACTED] for her telephone number. About twenty minutes after [REDACTED] was driven away to jail, Deputy Andrade began calling [REDACTED] on her cell phone. During one of the telephone conversations Deputy Andrade asked [REDACTED] if she needed a ride to Case De Oro. [REDACTED] stated she did and Deputy Andrade offered to come pick [REDACTED] up.

Deputy Andrade then picked [REDACTED] up at the corner of Spring Glen Lane and Jamacha Boulevard. While they were driving near a freeway, (Possibly Highway 94) Deputy Andrade turned on his siren and began driving fast. Deputy Andrade told [REDACTED] that he was going to have to hurry because he had to respond to a fire call. Deputy Andrade drove to the back of the SDSO Case De Oro storefront and dropped her off. Deputy Andrade told [REDACTED] to stay at the location and he would return. About ten minutes after leaving the storefront Deputy Andrade returned and told [REDACTED] they had enough deputies at the fire call so he was released from the scene.

[REDACTED] said that Deputy Andrade then placed his hand down her shirt and felt her breasts. Deputy Andrade asked [REDACTED] if she was hungry and he told her he might have some food inside the storefront that she could eat. They went inside the storefront and Deputy Andrade removed some food that was inside a refrigerator. Deputy Andrade asked [REDACTED] if she needed any clothes and he told her they might have some inside the storefront that she could wear. [REDACTED] went through some clothing and then Deputy Andrade sat down next to her. Deputy Andrade began holding [REDACTED] hand and he told her she was pretty.

RELEASED FROM
I.A. FILES
TO [REDACTED]

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY [REDACTED]	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 8 of 9

Deputy Andrade then placed [REDACTED] hand on his penis outside his clothing and told her that belonged to her if she wanted it. Deputy Andrade received another radio call and he told [REDACTED] that she had to leave and he would call her later. [REDACTED] said that [REDACTED] has told her the same story several times and it remained very consistent. However, [REDACTED] sometimes tells the events out of sequence. [REDACTED] believed [REDACTED] documented the incident on a handwritten note that she kept at her encampment. [REDACTED] didn't recall [REDACTED] every stating she had a negative contact with Deputy Andrade in the past. [REDACTED] never stated that Deputy Andrade forced her into the sexual contact.

[REDACTED] has known [REDACTED] for about ten years and she sometimes comes over to get something to eat or to use the shower. [REDACTED] said [REDACTED] can be very hyperactive, (Yelling out-loud) and sometimes recalls events out of order, but she has never told her something that seemed like nonsense or was outlandish. [REDACTED] said she did take the time to speak with [REDACTED] about the things she was accusing Deputy Andrade of doing to her to ensure she wasn't making it up. [REDACTED] later drove [REDACTED] to the SDSO Rancho San Diego Station to report the incident.

[REDACTED] told me she didn't see any of the events [REDACTED] had described, but she did see some interaction between one deputy and [REDACTED] on March 11, 2017. [REDACTED] explained that on March 11, 2017 at around 1300 hours, she left to go to her granddaughter's school to pick her up. [REDACTED] said her granddaughter got out of school at 1410 hours, but she always left early to get a parking spot close to the school. [REDACTED] said the vehicle [REDACTED] got into was an SDSO patrol sedan based on the fact it was black and white and had a star on it. The deputy opened the back door of the sedan and [REDACTED] got into the back seat. [REDACTED] was not wearing handcuffs. [REDACTED] didn't see any other deputies around the area.

[REDACTED] described the deputy she saw as being a white or light skinned Hispanic male, short in stature, but around 5'8"-5'10" tall. [REDACTED] said the interactions between the deputy and [REDACTED] occurred on Spring Glen Lane just before Jamacha Boulevard. The patrol sedan was parked on the west side of Spring Glen Lane and facing the right side of the roadway. [REDACTED] didn't know the reason for the interaction. [REDACTED] drove back home and arrived at her residence at around 1440 hours. [REDACTED] drove back to her home using a different route and she didn't see any deputies around the area.

Investigation (Con't):

Based on the time frame [REDACTED] saw a deputy interacting with [REDACTED] it more than likely would have been during the battery investigation that led to [REDACTED] arrest for the warrant. On March 22, 2017 I contacted "Tiffany" a supervisor at the SDSO Communications Center and obtained the vehicle number #20161 of the patrol vehicle Deputy Andrade used his entire shift. On March 23, 2017 I spoke with the SDSO Vehicle Coordinator Kevin Dalton and learned vehicle #20161 was a patrol marked 2008 Ford Crown Victoria sedan assigned to the Rancho San Diego Station. I completed my investigation.

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I.A. FILES
TO 4A

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY <u>[Signature]</u>	DATE REVIEWED 3/27/17
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SAN DIEGO COUNTY
SHERIFF'S DEPARTMENT
FOLLOW-UP INVESTIGATION

Case No 00000000

Page 9 of 9

Evidence:

I placed my interviews with [REDACTED] and [REDACTED] onto compact disks, I placed the GPS data onto a compact disk, I printed out the CAD records, and I placed [REDACTED] cell phone forensic download onto a compact disk. The evidence was then handed over to SDSO Internal Affairs Unit.

Related Reports:

1. Report by Detective Carpenter, same event number.

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I.A. FILES
TO: *FA*

REPORTED BY Howard Kluge	ARJIS 5982	STATION / DIVISION CID-CAU	REVIEWED BY <i>[Signature]</i>	DATE REVIEWED 3/27/17
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San Diego County
SHERIFF'S DEPARTMENT

2017-027.1

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: William D. Gore, Sheriff		DATE: 11-14-17	
It is recommended that the following disciplinary action be administered to the below named employee:			
EMPLOYEE'S NAME:	Juan Andrade	TITLE:	Deputy Sheriff
DEPARTMENT POLICY AND / OR PROCEDURE SECTION(S) VIOLATED:	2.4 Conduct Unbecoming	2.30 Failure to Meet Standards	
	2.3 Violation of Rules per P&P 6.12	2.3 Violation of Rules per P&P 5.5	
	2.30 Failure to Meet Standards	2.46 Truthfulness NS	
RECOMMENDED DISCIPLINE:	Termination		
SECOND LEVEL SUPERVISOR:	Michael Blevins, Lieutenant	DATE:	11-14-17
LIST PRIOR FORMAL DISCIPLINE WITHIN LAST FIVE YEARS WITH DATE	None.		
I have been advised of the above charges and recommended discipline:			
EMPLOYEE'S SIGNATURE:	<i>Juan Andrade</i>	DATE:	11/15/17
2 nd LEVEL SUPERVISOR SIGNATURE:	<i>Michael J. Blevins</i>	DATE:	11-15-17
3 rd LEVEL SUPERVISOR SIGNATURE:	<i>William D. Gore</i>	DATE:	11.15.17
COMMENTS:			
REVIEWED BY INTERNAL AFFAIRS:	<i>Christina Baranoff</i>	DATE:	11/10/17
4 th LEVEL SUPERVISOR SIGNATURE:	Dave Moss, Commander <i>[Signature]</i>	DATE:	5/14/18
COMMENTS:			
ADDITIONAL REVIEW:	<i>Kelly A. Martinez</i> Kelly A. Martinez, Assistant Sheriff	DATE:	5/15/18
ADDITIONAL REVIEW:	<i>Michael R. Barnett</i> Michael R. Barnett, Sheriff	DATE:	5/22/18
ADDITIONAL REVIEW:	<i>William D. Gore</i> William D. Gore, Sheriff	DATE:	5/22/18
INTERNAL AFFAIRS SECTION			
<input type="checkbox"/> WRITTEN REPRIMAND BY:		DATE:	
<input checked="" type="checkbox"/> NOTICE OF INTENT AND CHARGES: <i>K. GIBEL</i>		DATE:	12-1-17
<input checked="" type="checkbox"/> ORDER SERVED: <i>S. KORCHAK</i>		DATE:	5/23/18
<input checked="" type="checkbox"/> CIVIL SERVICE NOTIFIED: P. Lorenz, HRA		DATE:	05/24/2018
<input checked="" type="checkbox"/> PAYROLL NOTIFIED: P. Lorenz, HRA		DATE:	05/23/2018
FINAL ACTION TAKEN:	TERMINATION - RESIGNED IN LIEU	DATE:	05/23/2018

(9-23-2018)

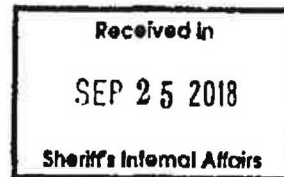
RELEASED FROM

I.A. FILES

TO *[Signature]*

September 24, 2018

Chris Kowalski, Esq
Bobbitt Pinckard & Fields
8388 Vickers Street
San Diego, CA 92111-2109



VIA EMAIL

RE: IA 2017-027.1 – Juan Andrade

Dear Mr. Kowalski:

This letter serves to memorialize the disciplinary agreement between the San Diego County Sheriff's Department and your client Juan Andrade. As it relates to whether Mr. Andrade was untruthful with the Internal Affairs investigator during his internal affairs interview, both parties believe that their positions are true and correct and if a Civil Service Commission hearing were conducted, both sides believe that they have a reasonable likelihood of prevailing. However, both parties acknowledge that circumstances exist that may make it difficult to prove our respective positions. Given the nature and severity of the issues and potential outcomes of this case, both parties agree that a disciplinary agreement is in the best interests of all parties.

Specifically, Mr. Andrade agrees to tender a written resignation to the Department, effective May 23, 2018. As a result of Mr. Andrade's resignation, the Department will enter the reason for his leaving Department service as resignation and it will be coded in the personnel system under the code RLT (Resignation in lieu of termination).

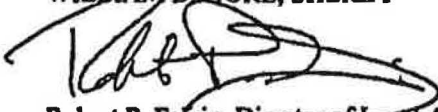
Further, Mr. Andrade will, and does by his signature below, waive his right to any further administrative review or appeals. Additionally, Mr. Andrade will notify the San Diego County Civil Service Commission of the resolution of this matter, and the withdrawal of his request for a Civil Service hearing. Finally, Mr. Andrade waives any right to seek judicial review of the process or substance of this disciplinary resolution.

In exchange for the agreement above, the Sheriff's Department agrees to modify Cause VI in the order of termination, from a sustained violation of Sheriff's Policy and Procedure Section 2.46 (Truthfulness), to not sustained.

All terms of this agreement are contained within this document, and any alteration or modification of this agreement must be done in writing. If you have any questions regarding the above, please do not hesitate to call me.

Sincerely,

WILLIAM D. GORE, SHERIFF



Robert P. Falgin, Director of Legal Affairs, Chief Legal Advisor
Office of the Sheriff - Legal Affairs Unit

I, Juan Andrade, hereby stipulate that I have read and agree to the terms set forth in the above agreement and I have had the opportunity to confer with my legal counsel.

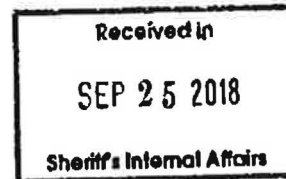


Juan Andrade

Date

9/24/18

September 24, 2018



I, Juan Andrade, do hereby tender my resignation from the San Diego County Sheriff's Department effective May 23, 2018.



Juan Andrade

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

May 24, 2018
IA# 2017-027.1

TO: Civil Service Commission

FROM: Christina Bavencoff, Lieutenant
Internal Affairs Unit

ORDER OF TERMINATION AND CHARGES – Deputy Juan Andrade #048712

The Order of Termination and Charges dated April 17, 2018 filed against Juan Andrade has been received by the Civil Service Commission on: _____

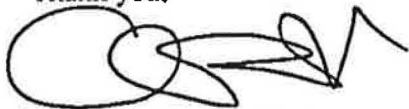
Date

Commission Response:

- ☐ The above individual **HAS** appealed the Order of Termination and Charges.
☐ The above individual **HAS NOT** appealed the Order of Termination and Charges.

Please return this form to the Sheriff's Internal Affairs Unit (MS-O41) as soon as possible.

Thank you.



Christina Bavencoff, Lieutenant
Internal Affairs Unit
(858) 974-2065

Attachment

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, California and that I served the

- ☐ **NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
- ☐ **NOTICE OF INTENT TO SUSPEND AND CHARGES**
- ☐ **NOTICE OF INTENT TO TERMINATE AND CHARGES**
- ☐ **NOTICE OF INTENT OF REASSIGNMENT AND CHARGES**

- ☐ **ORDER OF PAY-STEP REDUCTION AND CHARGES**
- ☐ **ORDER OF SUSPENSION, REASSIGNMENT AND CHARGES**

- ☒ **ORDER OF TERMINATION AND CHARGES**

- ☐ **ORDER OF DEMOTION AND CHARGES**
- ☐ **ORDER OF REASSIGNMENT AND CHARGES**

of which a true copy is attached hereto, by delivering a copy thereof to

Juan Andrade personally at 5255 Mt. Etna Drive on May 23, 2018.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 23 day of May, 2018, at San Diego, California.

[Signature]
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 23 day of May, 2018.

SIGNED Juan Andrade

IA# 2017-027.1

Released from I.A. Files

To:

AA

CAUSE III

You are guilty of inefficiency, as set forth under Section 7.2(b) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.30 **Failure to Meet**

Standards, in that: You failed to properly perform your duties as a Deputy Sheriff by unnecessarily driving Code-3 with [REDACTED] inside your patrol vehicle and delayed your response to an emergency fire call.

CAUSE IV

You are guilty of incompetency, as set forth under Section 7.2(a) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.3 **Violation of the Rules** as it relates to Section 6.12 Transporting Prisoners of the Opposite Sex, in that: You failed to notify Sheriff's Dispatch when you transported [REDACTED] inside your patrol vehicle.

CAUSE V

You are guilty of negligence resulting in significant risk of harm to the public, as set forth under Section 7.2(q) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.3 **Violation of the Rules** as it relates to Section 5.5 Safety Belt Procedure, in that: You did not ensure [REDACTED] was wearing a safety belt when you transported her inside your patrol vehicle and drove Code-3, reaching speeds of 69 miles per hour.

CAUSE VI

You are guilty of dishonesty, as set forth under Section 7.2(d) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.46 **Truthfulness**, in that: You did not answer interview questions to the fullest extent of your knowledge and changed important details regarding your contact with [REDACTED] after an additional interview. You withheld critical information in your first interview that was relevant to the investigation; specifically you omitted information about a second kiss and the totality of physical contact you had with [REDACTED]

Released from IA Files

TEL JA


CAUSE VII

You are guilty of acts which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the **San Diego County Sheriff's Department Executive Order and the Mission, Vision, Values and Goals**. Your conduct constituting such acts is inimical to the public service is that set forth under Cause I through VI above.

Your attention is directed to Sections 904.1, 904.2, 909, 909.1, 910.1(k), and 910 (k)(l) of the Charter of the County of San Diego and Rule VII of the Civil Services Rules. If you wish to appeal this order to the Civil Service Commission of the County of San Diego, you must file such an appeal and an answer in writing with the Commission within ten (10) calendar days after this order is presented to you.

Such an appeal and answer must be in writing and delivered to the Civil Service Commission at its offices at 1600 Pacific Highway, Room 458, San Diego, California 92101, within such ten (10) calendar day period. An appeal is not valid unless it is actually received by the Commission within such ten (10) calendar day period. A copy of such appeal and answer shall also be served, either personally or by mail, by the employee on the undersigned within the same ten (10) calendar day period.

Sincerely,



William D. Gore, Sheriff

WDG:ab

Released from IA Files

To: AA

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of SAN DIEGO, California and that I served the

- ☐ **NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
- ☐ **NOTICE OF INTENT TO SUSPEND AND CHARGES**
- ☒ **NOTICE OF INTENT TO TERMINATE AND CHARGES**
- ☐ **NOTICE OF INTENT OF DEMOTION, REASSIGNMENT AND CHARGES**
- ☐ **NOTICE OF INTENT OF SUSPENSION, REASSIGNMENT AND CHARGES**

- ☐ **ORDER OF PAY-STEP REDUCTION AND CHARGES**
- ☐ **ORDER OF SUSPENSION AND CHARGES**
- ☐ **ORDER OF TERMINATION AND CHARGES**
- ☐ **ORDER OF DEMOTION AND CHARGES**
- ☐ **ORDER OF REASSIGNMENT AND CHARGES**

of which a true copy is attached hereto, by delivering a copy thereof to

JUAN ANDRADE personally at Ridgchaven on December 1, 2017.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 1 day of December, 2017, at SAN DIEGO, California.

[Signature]
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 1 day of December, 2017.

SIGNED [Signature]

IA# 2017-027.1

Released from I.A. Files

To: A



San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



William D. Gore, Sheriff

November 27, 2017

Juan Andrade
[REDACTED]

Dear Deputy Juan Andrade:

NOTICE OF INTENT OF TERMINATION AND CHARGES, CASE #2017-027.1

Please take notice that it is my intention to recommend to the Sheriff that you be terminated from your position as a Deputy Sheriff (Class #5746) in the Sheriff's Department and the Classified Service of the County of San Diego, for each and all of the following causes:

CAUSE I

You are guilty of conduct unbecoming an officer or employee of the County, as set forth under Section 7.2(m) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.4 Conduct Unbecoming, in that: On March 11, 2017, you received an open-mouthed kiss from [REDACTED], while working your assignment as a uniformed patrol deputy. You further allowed [REDACTED] into a private storefront where there was additional physical contact between you and [REDACTED]. Additionally, you failed to report the incident to your supervisor.

CAUSE II

You are guilty of incompetency, as set forth under Section 7.2(a) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.30 Failure to Meet Standards, in that: You claimed [REDACTED] was the aggressor and kissed you and touched you without your permission, yet you failed to take proper defensive actions to prevent the incident from occurring.

CAUSE III

You are guilty of inefficiency, as set forth under Section 7.2(b) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.30 Failure to Meet

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I.A. FILES
TO

Keeping the Peace Since 1850

Standards, in that: You failed to properly perform your duties as a Deputy Sheriff by unnecessarily driving Code-3 with [REDACTED] inside your patrol vehicle and delayed your response to an emergency fire call.

CAUSE IV

You are guilty of incompetency, as set forth under Section 7.2(a) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.3 **Violation of the Rules** as it relates to Section 6.12 Transporting Prisoners of the Opposite Sex, in that: You failed to notify Sheriff's Dispatch when you transported [REDACTED] inside your patrol vehicle.

CAUSE V

You are guilty of negligence resulting in significant risk of harm to the public, as set forth under Section 7.2(q) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.3 **Violation of the Rules** as it relates to Section 5.5 Safety Belt Procedure, in that: You did not ensure [REDACTED] was wearing a safety belt when you transported her inside your patrol vehicle and drove Code-3, reaching speeds of 69 miles per hour.

CAUSE VI

You are guilty of dishonesty, as set forth under Section 7.2(d) of Rule VII as it relates to Sheriff's Policy and Procedure Section 2.46 **Truthfulness**, in that: You did not answer interview questions to the fullest extent of your knowledge and changed important details regarding your contact with [REDACTED] after an additional interview. You withheld critical information in your first interview that was relevant to the investigation; specifically you omitted information about a second kiss and the totality of physical contact you had with [REDACTED]

CAUSE VII

You are guilty of acts which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the San Diego County Sheriff's Department Executive

Order and the Mission, Vision, Values and Goals. Your conduct constituting such acts is inimical to the public service is that set forth under Cause I through VI above.

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TO AA

Notice of Intent of Termination and Charges, IA Case #2017-027.1
Deputy Juan Andrade
November 27, 2017

Page 3

You have five (5) regular business days to request a Skelly Conference. You may respond either orally, in writing, or both, regarding the above proposed charges and discipline. Your response will be considered by the Sheriff before final action is initiated. Upon receipt of this notice you will be provided with all documents possessed by this department upon which this proposed action is based. If you have any questions of said documents, please contact the Internal Affairs Unit.

You have until 4:30 p.m. on DECEMBER 8 to contact Internal Affairs at (858) 974-2065, if you wish to respond to the above charges and discipline. Internal Affairs will provide you the name of a Skelly Officer, whom you should contact without delay, as the conference must be held within ten (10) days, unless waived by mutual agreement. If there are extenuating circumstances precluding you from staying within this time limit, contact Internal Affairs immediately.

If you fail to respond, or if your response is unsatisfactory, an Order of Termination and Charges will be served upon you and the discipline initiated.

Sincerely,

WILLIAM D. GORE, SHERIFF



M. Marco Garmo, Captain
Rancho San Diego/ Lemon Grove & Imperial Beach Substation

WDG:MMG:ab

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I.A. FILES
TO AK

Alfaro, Keanu

From: Lorenz, Peggi
Sent: Wednesday, May 23, 2018 4:15 PM
To: Nesbit, Larry; Martinez, Kelly; Moss, Dave
Cc: Garmo, Marco; Alvarado, Michael; Lawson, Jennifer; Dangca, Liza; Faigin, Robert; Bryant, English; Brown, Amy; Bavencoff, Christina; Alvarez, Monica; Alfaro, Keanu
Subject: Termination of Employee

To everyone - Today Sergeants-Detentions Bibel and Kopchak served Juan Andrade an Order of Termination and walked him out of his Admin Assignment location at Property & Evidence. All his equipment had been collected at the time of his Admin Assignment.

Peggi Lorenz, Human Resources Assistant
Internal Affairs Unit
858-974-2065



COUNTY OF SAN DIEGO

Sheriff



Juan Andrade

Exemplary Performance

On September 6, 2015, officers from a local police department responded to a call of a kidnapping that occurred in their city. Several callers reported a male had been beaten with a crowbar and forced into a black car. The vehicle left the area before officers had responded; however, witnesses had obtained a license plate. The vehicle was registered to an address in an unincorporated area. Deputy Juan Andrade responded to assist in checking the residence. The suspect vehicle was spotted as it sped away heading toward the residence traveling at over 90 miles per hour. Several males began jumping a fence to the residence and entering from a rear entryway. One of the suspects was detained while Deputy Andrade took a position at the front of the residence, in case the other suspects decided to run. Four males exited the residence and began walking towards him. He began giving commands to the males to raise their hands and sit on the ground. All four males ignored Deputy Andrade's commands and continued toward him. His partner assisted and all four males were detained. It was then determined one of the males was the victim who owed money to one of the suspect's.

The suspects were arrested for Assault with a Deadly Weapon, Kidnapping and Resisting Arrest. The home owner was the father of one of the suspects and was also identified as an active member of the Hell's Angels motorcycle club.

Based on the available facts of the incident there is no doubt if Deputy Andrade had not arrived at the residence and contacted all parties involved, the victim may have been further injured or possibly murdered. He should be commended for his professionalism, tenacity and ability to work well under pressure. He continues to set the example to his peers and exemplify the high values we continually strive to achieve. Therefore, it is with great pride; I hereby award Deputy Juan Andrade the Sheriff's Letter of Exemplary Performance.

[Signature]

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TO *AA*



COUNTY OF SAN DIEGO

Sheriff



Exemplary Performance

Juan Andrade

On September 27, 2016, the El Cajon Police Department was involved in a critical incident which immediately sparked passionate and sometimes violent public protests. Within the first hours of the incident, the El Cajon Police Department's resources were stretched to the point where they requested emergency assistance from the San Diego Sheriff's Department. Personnel from the Sheriff's Department responded on the first night and assisted the El Cajon Police Department with maintaining order. The protests lasted for the next six-days and gained national attention.

Every San Diego County law enforcement agency was involved and the San Diego Sheriff's Department assisted in overseeing the entire operation and providing expertise along with resources to the El Cajon Police Department. Over the seven-day period, 1,121 Sheriff's personnel were utilized to protect the citizens of El Cajon. In the face of violence, threats, and deliberate attempts to bait deputies into becoming the story, they displayed nothing but professionalism; which was witnessed on news stations across the country. They protected the public's right to peaceful assembly and took the necessary action when acts of violence took place.

We are fortunate we have these dedicated and courageous men and women who, at a moment's notice, are willing to risk their own safety to protect all citizens. Juan Andrade responded when called upon, and served in an exemplary manner.

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TO


Division Commander



COUNTY OF SAN DIEGO

Sheriff



LETTER OF COMMENDATION

JUAN ANDRADE

On the evening of March 24, 2015, Deputies Juan Andrade and Scott Seaman responded to a radio call of an argument occurring at a residence in the unincorporated community of Spring Valley. The reporting party, 56-year-old [REDACTED], called the Sheriff's Department to report he was having an argument with his live-in girlfriend's brother. Upon arrival, Deputies Andrade and Seaman determined [REDACTED] was extremely intoxicated, however, no crime had been committed and the argument was verbal only. Deputies Andrade and Seaman remained at the residence to preserve the peace while the involved parties separated and presumably turned in for the evening. Deputies Andrade and Seaman then left the residence and returned to their patrol cars, which were tactically parked several houses away.

While Deputies Andrade and Seaman were preparing to depart, Deputy Andrade observed [REDACTED] walk out of his residence and onto the street towards the parked patrol vehicles. Deputy Andrade warned his partner of [REDACTED] presence and was preparing to verbally address him when Deputy Andrade noticed [REDACTED] was carrying some type of metallic object in his hand. [REDACTED] displayed a semi-automatic .380 handgun, cycled the slide and pointed it at Deputies Andrade and Seaman. By this time, [REDACTED] was approximately 25 yards away from both deputies and still advancing deliberately towards them. Deputies Andrade and Seaman reacted to the threat by communicating with one another, splitting up and moving tactically to cover, bearing their own firearms toward the threat, advising of the threat via radio and issuing verbal commands at [REDACTED] to drop the gun.

A split-second prior to Deputies Andrade and Seaman actually utilizing deadly force to stop the advancing threat, [REDACTED] girlfriend ran up behind him yelling at the deputies. Additionally, a vehicle with several occupants drove up the street directly behind [REDACTED] as he was walking on the center of the street. Deputies Andrade and Seaman both immediately recognized the dilemma of having innocent bystanders within their lines of fire and decided to refrain from opening fire on [REDACTED] in order to protect those endangered citizens. Deputies Andrade and Seaman remained behind cover and yelled for the uninvolved citizens to move out of the way to no avail. Abruptly, [REDACTED] transitioned from pointing his handgun at Deputies Andrade and Seaman to pointing it at his own head. [REDACTED] pulled the trigger, however, the handgun did not discharge. [REDACTED], now extremely frustrated and upset, threw the pistol in the direction of Deputies Andrade and Seaman and challenged them to kill him while still advancing in their direction. Deputy Andrade quickly took advantage of the opportunity presented by transitioning from his handgun to Taser and deploying the Taser at the now unarmed threat. The Taser was immediately effective and Deputies Andrade and Seaman were able to take [REDACTED] into custody without further incident.

The firearm was recovered from the street and found to be loaded, however, no round was in the chamber. With his obvious attempt to commit "suicide by cop" thwarted, [REDACTED] was arrested for several felony charges, including assault with a firearm on a peace officer. [REDACTED] girlfriend and her neighbors expressed their utmost gratitude for the restraint demonstrated by Deputies Andrade and Seaman.

For their professionalism, tactical mindset, overall situational awareness and restraint during this incident, it is a pleasure to present Deputy Juan Andrade and Deputy Scott Seaman with the Sheriff's Letter of Commendation.

October 13, 2015

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William D. Gore, Sheriff

Chris J. Kowalski

From: Magana, Fred [Fred.Magana@sdsheriff.org]
Sent: Tuesday, December 20, 2016 8:19 AM
To: Andrade, Juan; Sheppard, Jeremy
Cc: Amos, Scott; Garmo, Marco
Subject: Secret Santa

Juan,

On behalf of Captain Garmo, Lieutenant Amos and I we wanted to thank you for volunteering for this year's Secret Santa and representing RSD with the upmost professionalism.

Jeremy, thank you for being flexible with Deputy Andrade and allowing him to participate in this year's event even though there was a last minute change in scheduling.

<https://www.youtube.com/watch?v=ulhqrJ51GN8>

Respectfully,

Fred Magaña, Lieutenant
San Diego Sheriff's Department
Rancho San Diego Station
Cell: [REDACTED]

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Deputy Juan Andrade
Awards and Volunteerism

Letter of Commendation from the Sheriff 2015
Exemplary Performance 2015
Exemplary Performance 2016

Volunteer 2017

January

Gerson Institute/San Diego Renewable Energy Society
Hip Dysplasia foundation

February

San Diego Heart Association
Cancer Awareness foundation

March

Make-A-Wish foundation
Boys and Girls Club of San Diego

April

Military Families Autism Awareness foundation
Cancer Awareness foundation
San Diego Autism Awareness foundation
Eastlake Education foundation

May

Wounded Warrior foundation
Navy & Marine Corp Welfare and Recreation foundation

June

Ladanian Tomlinson's Touching Lives foundation
Tony & Alicia Gwynn foundation
San Diego Blood Bank

July

Wounded Warrior foundation

August

Wounded Warrior foundation
Pancreatic Cancer foundation

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Eric Paredes foundation
San Diego State University Aztec Club

September

Wounded Warrior foundation
Honor Flight foundation
Free Hugs Project

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00

And beat it like a cop...

00

Met a police officer who wanted to take me into the bushes...

000

The entire cps predator building and juvenile court system
should be shut down

0

Those losers legally kidjack innocent families children, then
traffick them through courts

00



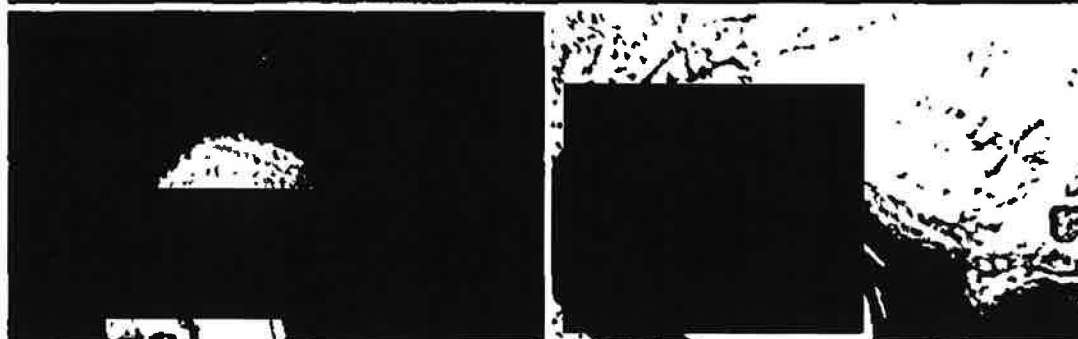
Handwritten signature or initials.



So the Day this idiot Dean attacked me, this incident with Andrade happened



 added 3 new photos.



4A



Guess what Cps.



Andrade Americas former finest



Lady po po this time



I got rolled up after they took pics of me next to my tent



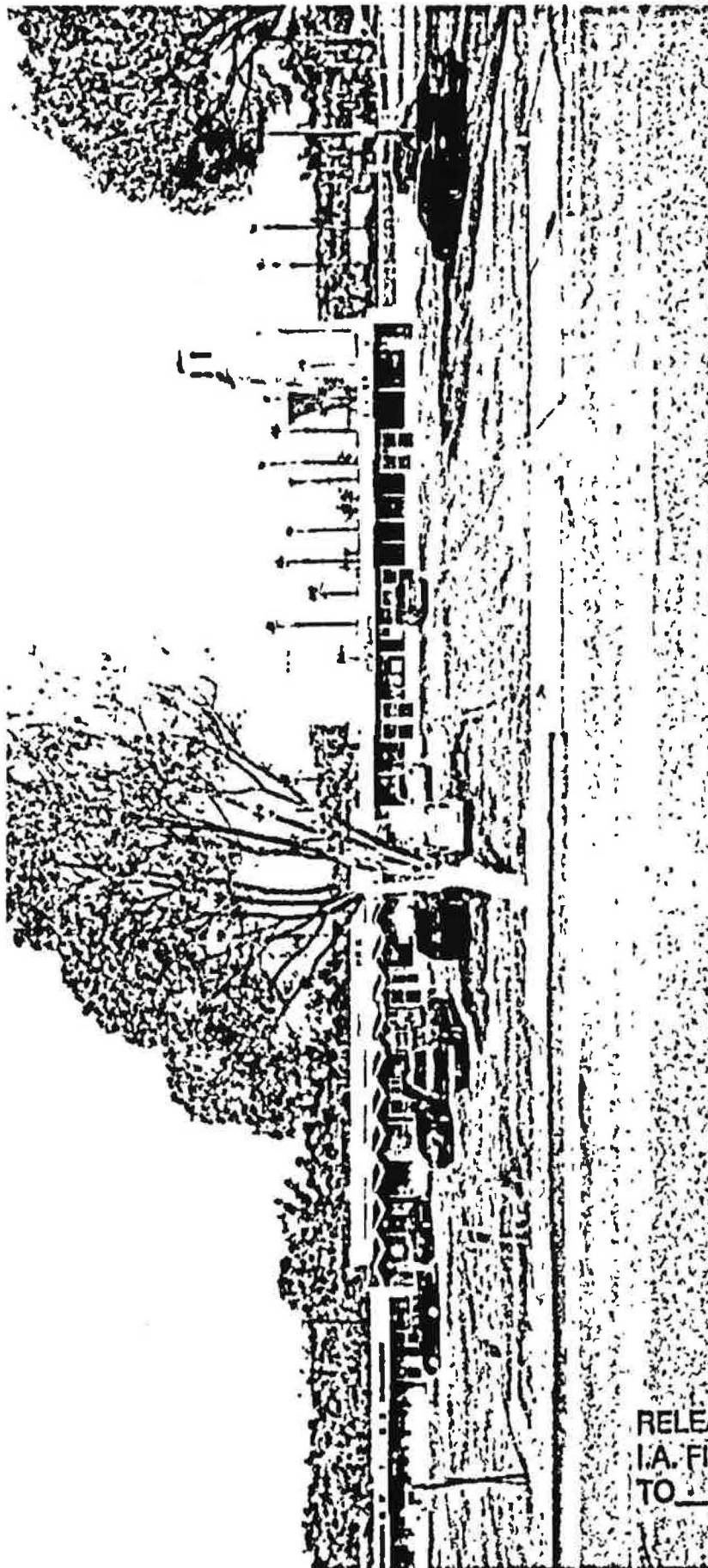
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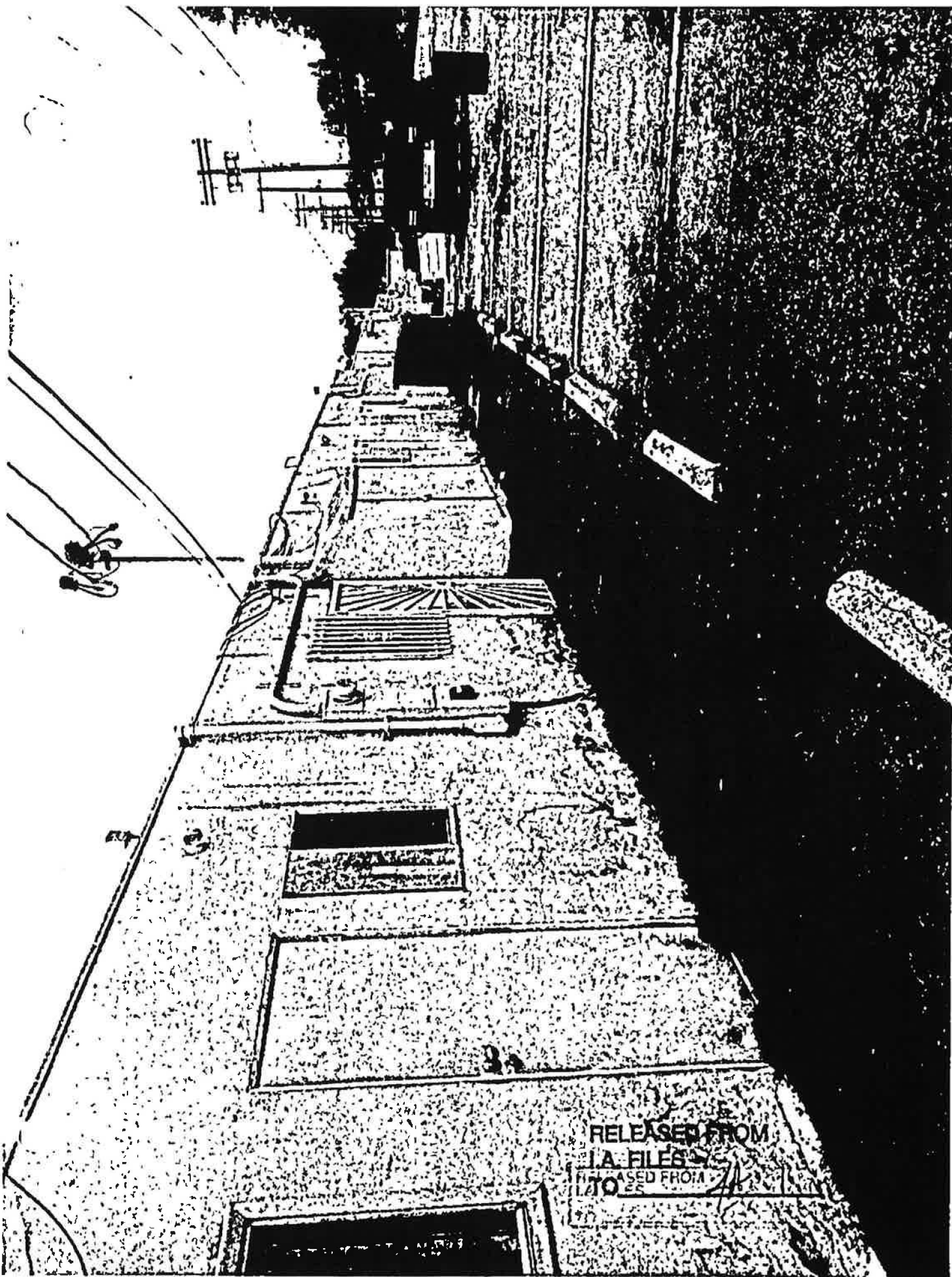
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4A



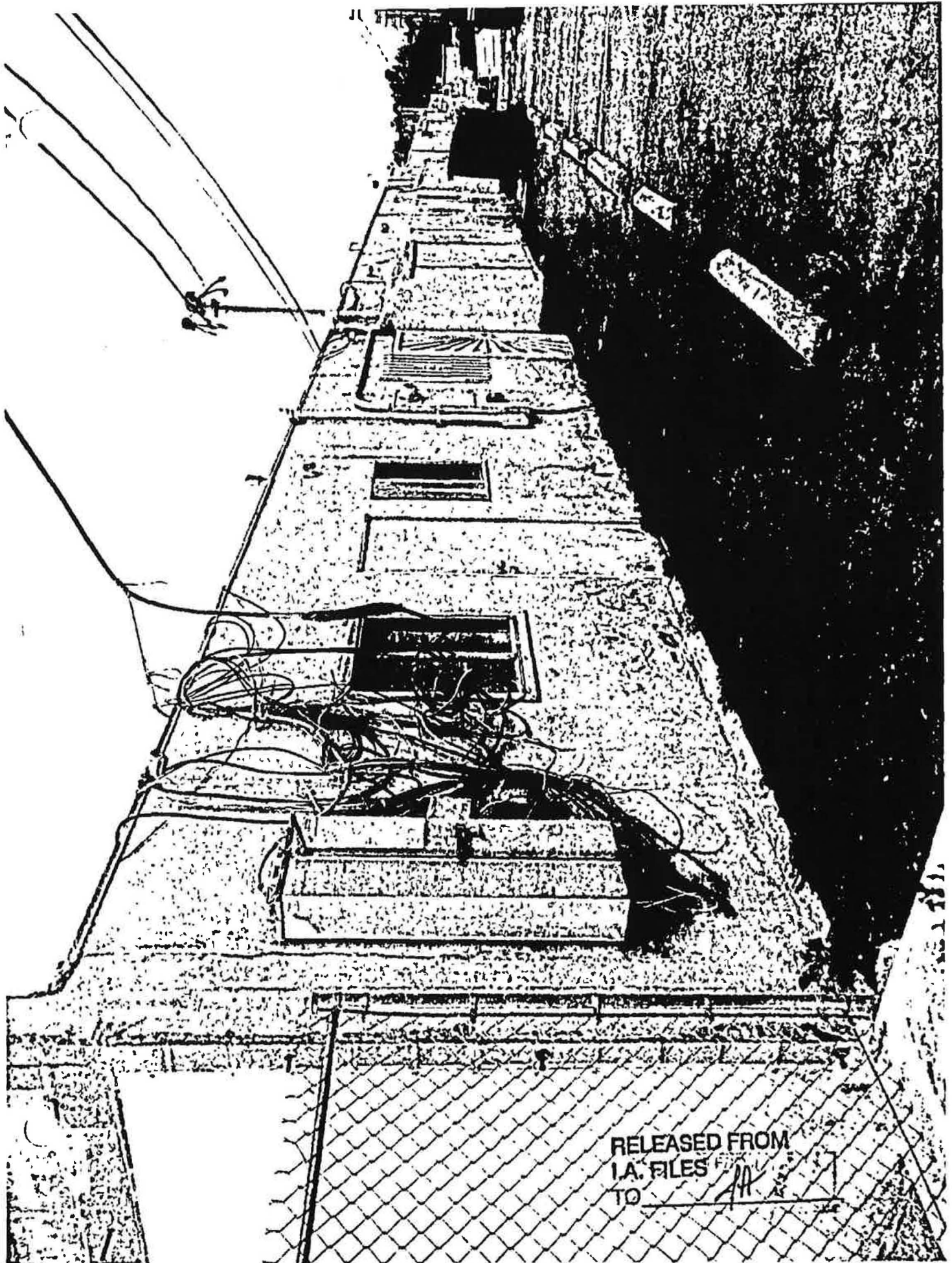


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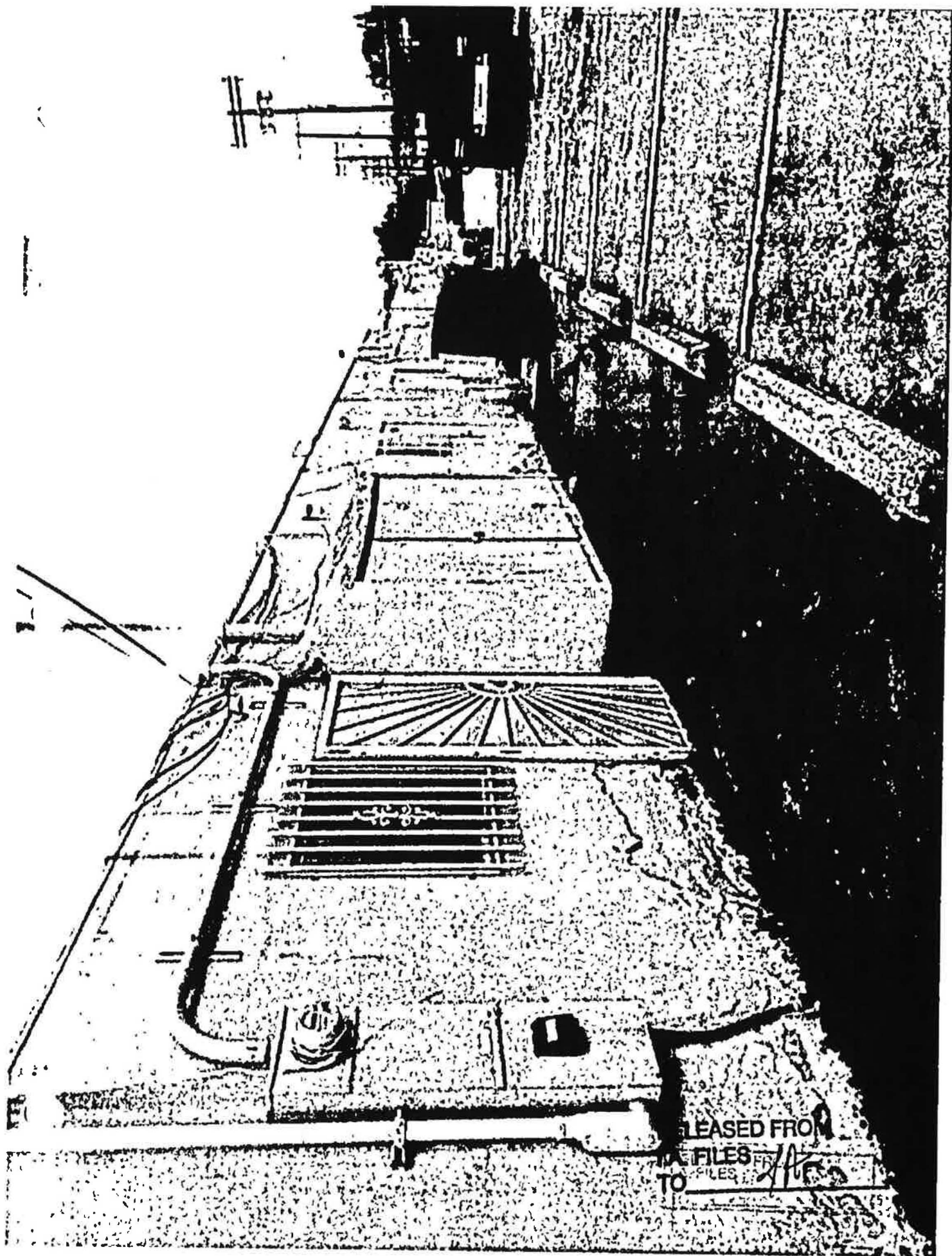


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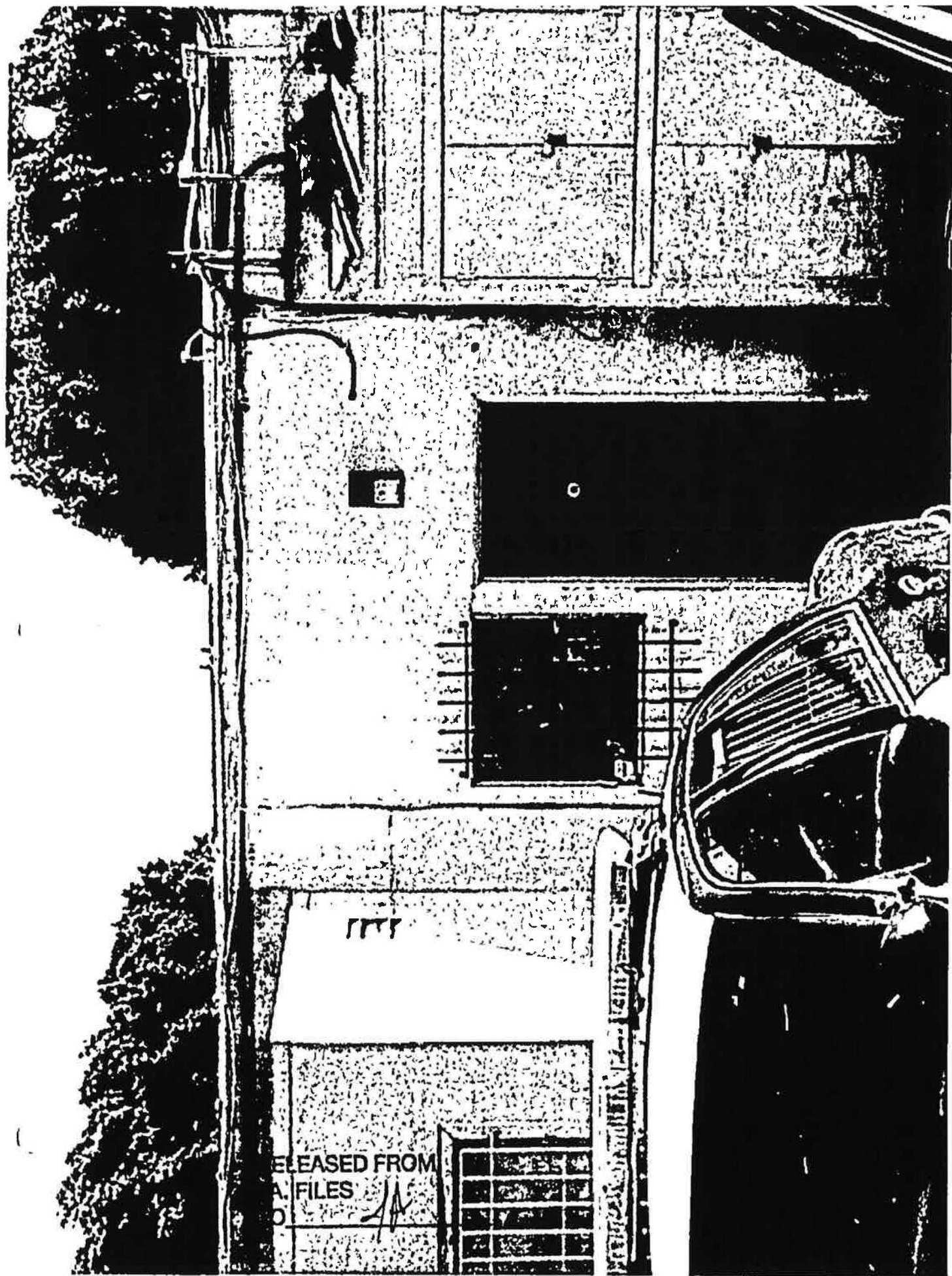
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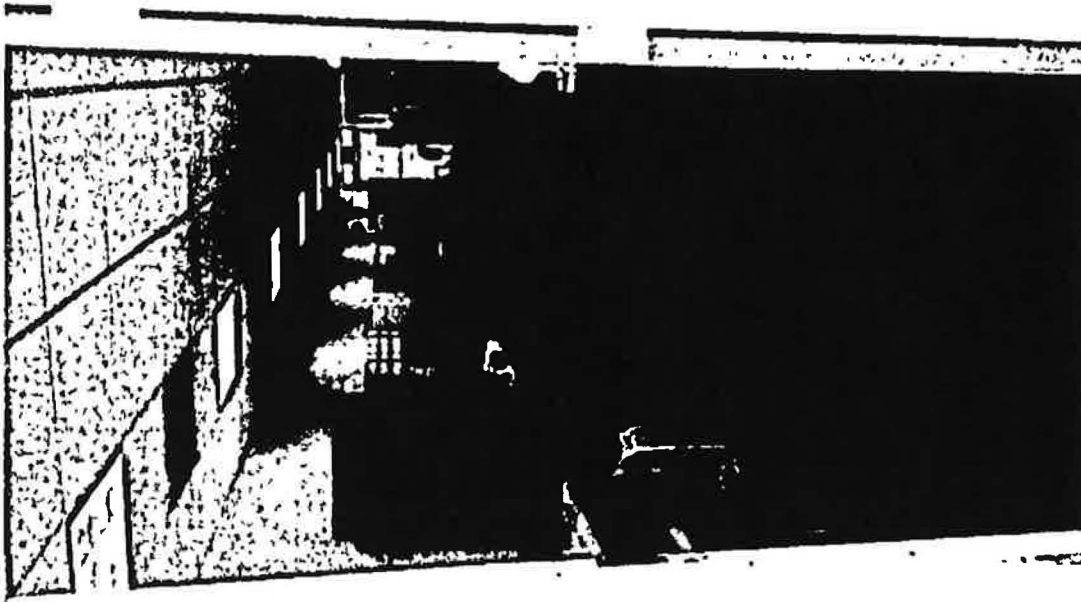
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